This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

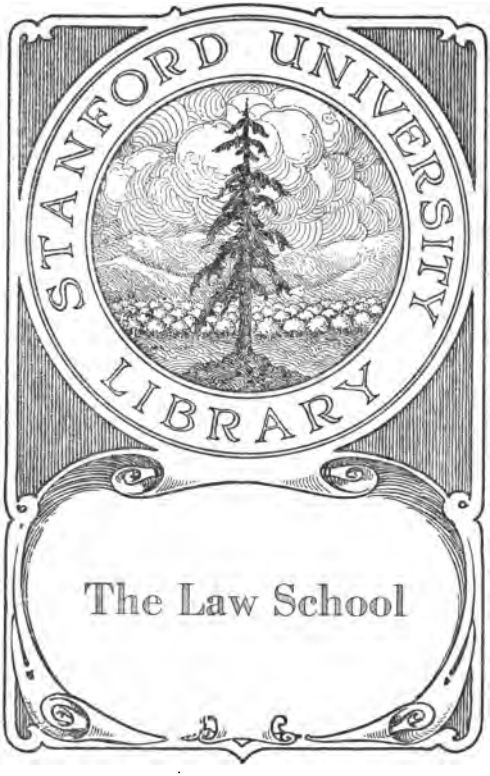
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`


STANFORD UNIVERSITY
LIBRARY
The Law School

Idaho College

GENERAL LAWS

OF THE

TERRITORY OF IDAHO,

PASSED AT THE

FIFTEENTH SESSION

OF THE

TERRITORIAL LEGISLATURE,

CONVENED ON THE

TENTH DAY OF DECEMBER, A. D. 1888, AND ADJOURNED ON THE SEVENTH DAY OF FEBRUARY, A. D. 1889.

AT

BOISE CITY.

Published by Authority.

JAMES A. PINNEY, TERRITORIAL PRINTER.
1889.

GENERAL LAWS

OF THE

TERRITORY OF IDAHO,

PASSED AT THE

FIFTEENTH SESSION

OF THE

TERRITORIAL LEGISLATURE,

CONVENED ON THE

TENTH DAY OF DECEMBER, A. D. 1888, AND ADJOURNED ON THE SEVENTH DAY OF FEBRUARY, A. D. 1889.

STANFORD LIBRARY

AT

BOISE CITY.

Published by Authority.

JAMES A. PINNEY, TERRITORIAL PRINTER.
1889.

364783

STANFORD LIBRARY

CERTIFICATE.

DEPARTMENT OF THE INTERIOR, SECRETARY'S OFFICE, IDAHO.

I, EDWARD J. CURTIS, Secretary of the Territory of Idaho, do hereby certify that the Laws, Acts and Resolutions, contained and printed in the within volume, are true and literal copies of all the enrolled Laws, Acts and Resolutions passed at the Fifteenth Session of the Legislative Assembly of the Territory of Idaho, convened on the tenth day of December, A. D. 1888, and adjourned on the seventh day of February, A. D. 1889. The same remain on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of the Territory.

Done at Boise City, the Capital of Idaho, this eighth day of February, in the year of our Lord one thousand eight hundred and eighty-nine, and of the Independence of the United States of America, the one hundred and thirteenth.

E. J. Curtis.

Secretary of Idaho.

GENERAL LAWS

OF THE

TERRITORY OF IDAHO.

LIENS OF LABORERS.

AN ACT

TO AMEND TITLE FOUR OF THE CODE OF CIVIL PROCEDURE RELATING TO LIENS OF LABORERS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Title four of the Code of Civil Procedure is amended by adding thereto the following section:

SEC. 5140. Any person who does any labor upon any farm, or lands, in tilling the same, or in cultivating, harvesting, or housing any crop, or crops, raised thereon, has a lien upon all such crop or crops for said labor; *Provided*, that the interest of any lessor or lessors in any crop where the premises are leased in consideration of a share of the crop raised thereon is not subject to such lien. Said lien must be filed within thirty days after the completion of said labor. And all such liens shall be enforced by commencing proceedings in a proper court within ninety days after the same has been filed, as provided in Section 5133 of the Revised Statutes of Idaho.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 10, 1889.

MODE OF TAKING TESTIMONY.

AN ACT

TO AMEND SECTION 6079 OF THE REVISED STATUTES OF IDAHO RELATIVE TO THE MODE OF TAKING THE TESTIMONY OF WITNESSES.

Be it enacted by the Legislative Assembly of Idaho, as follows:

SECTION 1. That Section 6079, Title II, Chapter III, of the Code of Civil Procedure be amended to read as follows:

SEC. 6079. The opposite party may cross-examine the witness as to any facts stated in his direct examination or connected therewith, and in so doing may put leading questions; but if he examine him as to other matters such examination is to be subject to the same rules as a direct examination.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 10, 1889.

NEZ PERCE COUNTY—SALARY OF ASSESSOR.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT DEFINING THE DUTIES AND FIXING THE SALARY OF THE ASSESSOR OF NEZ PERCE COUNTY," APPROVED FEBRUARY 5, 1885.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Sections 795, 796 and 797 of the special laws of Idaho Territory are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 12, 1889.

NEZ PERCE COUNTY—TREASURER.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT, DEFINING THE DUTIES AND FIXING THE SALARY OF THE TREASURER OF NEZ PERCE COUNTY AND FOR OTHER PURPOSES."

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Sections 798 to 804, inclusive, of the special laws of Idaho Territory are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 12, 1889.

CUSTER COUNTY—COUNTY COMMISSIONERS.

AN ACT

TO REPEAL SECTION 571 OF SPECIAL LAWS OF IDAHO TERRITORY RELATING TO CUSTER COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That an act entitled "An act authorizing the Commissioners of Custer County to construct a Jail and Hospital," be and the same is hereby repealed.

SEC. 2. All funds in the County Treasury arising from the levy and collection of a tax in 1883 under the provisions of an act approved January 17, 1883, entitled "An act to authorize the County Commissioners of Lemhi and Custer Counties to issue and negotiate bonds and for other purposes," shall be subject to the provisions of Section 1767 of the Revised Statutes of Idaho Territory.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 14, 1889.

POLL TAX.

AN ACT

TO REGULATE THE AGES BETWEEN WHICH A PERSON SHALL BE LIABLE FOR POLL TAXES, THE TIME WHEN THEY SHALL BECOME DELINQUENT AND THE EXEMPTION OF CERTAIN CLASSES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Every male inhabitant of this Territory over twenty-one and under fifty years of age, except paupers, insane persons, Indians not taxed, government pensioners, active members of any volunteer fire companies regularly enrolled as such, and persons permanently disabled so as not to be able to perform manual labor, must annually pay a poll tax of three dollars, if paid on or before the second Monday in December and after that date three dollars and fifty cents.

SEC. 2. Upon delivering any such receipts to the Tax Collector as described in Section 1601 of Chapter 8 of the Revised Statutes of Idaho Territory, the Auditor must charge the same to him and take his receipt therefor. All such receipts delivered to the Tax Collector before the second Monday of December must be for the sum of three dollars each and he must be charged that sum for each, and all such receipts delivered to the Tax Collector after the second Monday of

December in each year must be for the sum of three dollars and fifty cents each, and he must be charged that sum for each.

SEC. 3. On the second Monday in December the Tax Collector must return to the Auditor all the three dollar poll tax receipts received by him and not used, and make full settlement with the Auditor therefor, and pay to the Treasurer the total amount collected and not before paid in, and file the Treasurer's receipt therefor with the Auditor; and at the time of this final settlement on the first Tuesday after the first Monday of January in each year, the Tax Collector must return to the Auditor all the three dollar and fifty cent poll tax receipts received by him and not used, and make final settlement therefor, and pay the Treasurer all poll tax money not before paid in and file the Treasurer's receipt therefor with the Auditor.

SEC. 4. Sections 1600–1604, 1613, Chapter eight of the Revised Statutes of Idaho Territory, are hereby repealed.

SEC. 5. This act to take effect from and after its passage.

Approved January 19, 1889.

BINGHAM COUNTY—APPROPRIATING FUNDS FOR CORRECTING RECORDS.

AN ACT

TO PROVIDE FOR THE APPROPRIATION OF FUNDS BY BINGHAM COUNTY FOR THE PURPOSE OF CORRECTING THE RECORDS OF DEEDS AND OTHER RECORDS IN SAID COUNTY.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

SECTION 1. That the Board of County Commissioners of the County of Bingham is hereby empowered and authorized to appropriate a sum not to exceed five hundred dollars out of the general fund of said county for the purpose of correcting the records of deeds and all other records affecting the title to real estate and property transcribed by the Recorder of Oneida County under authority of Section 6 of an act entitled "An act to create Bingham County and for other purposes," approved January 13, 1885.

SEC. 2. The Board of County Commissioners of said Bingham County is also empowered and authorized to appropriate a sum not to exceed five hundred dollars out of the general fund of said county for the purpose of transcribing such records of deeds and all other records affecting the title to real estate and property as were not transcribed from the records of Oneida County under authority of the act above mentioned in Section 1 of this act.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved January 19, 1889.

LAWFUL FENCES.

AN ACT

TO AMEND SUBDIVISION THREE AND SUBDIVISION FOUR OF SECTION 1301 OF THE REVISED STATUTES RELATING TO LAWFUL FENCES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Subdivision three and Subdivision four of Section 1301 be amended to read as follows:

Subdivision 3. If made of posts with boards, rails or poles, the posts must be well set in the ground and not more than eight feet apart, with not less than three six inch boards or rails, or poles not less than two and a half inches in diameter at the small end; if four poles are used they must not be less than two inches in diameter at the small end, and if five or more poles are used they shall not be less than one and one half inches (1½) in diameter at the small end.

The top board, rail or pole must be not less than four and one half feet from the ground, the spaces well divided and the boards, rails or poles securely fastened to the posts. If poles not less than three inches in diameter at the small end are used, the posts may be set twelve feet apart. In the construction of a leaning fence where poles are used, they shall be not less than two and one half inches in diameter at the small end, and not less than four poles; the posts shall be not more than sixteen feet apart and securely braced.

Subdivision 4. If wire is used in the construction of fences, the posts must be not more than sixteen feet apart and one substantial stay to be placed in center between the said posts, with not less than two barbed or three plain wires together with one board, rail, block-wire or pole. The wires must be well stretched, and all securely fastened from one post to another. If block-wire is used it must be placed at the top of the fence and at a distance of not less than four and one half feet from the ground. If a board, rail or pole is used it must be placed either at the top of the fence or below the top wire; if the board, rail or pole is placed at the top of the fence, it must not be less than four and one half feet from the ground; if the board, rail or pole is placed below the top wire, the top wire must be not less than four and one half feet from the ground, and the board, rail or pole must be placed equi-distant between the two wires if barbed wire is used, and if plain wire is used the board, rail or pole must be placed equi-distant between the two upper wires, and unless such board, rail, block-wire or pole be so placed and maintained the owner of any fence constructed in part of wire is liable for injury to stock caused thereby, unless such stock was running at large contrary to law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 19, 1889.

IDAHO MINERAL EXHIBIT.

AN ACT

PROVIDING FOR THE DISPOSAL OF CERTAIN TERRITORIAL PROPERTY KNOWN AS THE "IDAHO MINERAL EXHIBIT."

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The Governor is hereby authorized and directed to have sold at public sale, all of the Territorial property known as the Idaho Mineral Exhibit, including furniture, and now on storage with Messrs. Glover and Odendahl, Nos. 54 to 64 Poydras St., New Orleans, excepting forty boxes of minerals and books and nineteen pieces of mineral in bulk, which he shall have shipped to Boise City, and the proceeds of said sale shall be placed in the Territorial Treasury.

SEC. 2. The Governor shall present his account to the Controller for the necessary amount, covering all costs for storage, sales and transportation of the same. And the Controller is hereby authorized and directed to draw his warrant for the full amount thereof and the Treasurer is directed to pay the same for any amount not exceeding two hundred and fifty dollars, out of any moneys not otherwise appropriated.

SEC. 3. This act to take effect from and after its passage.

Approved January 21, 1889.

RELIEF OF ROBERT LARIMER AND OTHERS.

AN ACT

FOR THE RELIEF OF ROBERT LARIMER AND OTHERS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The sum of one thousand five hundred and sixty ($1,560) dollars is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated, to be paid to the following named persons, respectively:

To Robert Larimer, three hundred ($300) dollars; to T. S. Potter, three hundred ($300) dollars; to Mattie Cohn, two hundred and forty ($240) dollars; to Ed. Hasbrouk, two hundred and forty ($240) dollars; to J. K. Watson, two hundred and forty ($240) dollars; to Thomas Ranahan, two hundred and forty ($240) dollars;

For services performed by them for the Territory of Idaho, and which have not been paid for.

And the Territorial Controller is hereby directed to draw his warrant in favor of the foregoing parties, for the sums appropriated to them, respectively, upon the Territorial Treasurer, and the Territorial Treasurer

is hereby authorized and directed to pay the same out of any money in the Territorial Treasury not otherwise appropriated.

SEC. 2. This act to take effect and is in force from and after its passage.

This bill having remained with the Governor three days (Sunday excepted), and the Legislature being in session, it has become a law, this 22d day of January, A. D. 1889.

E. J. CURTIS,
Secretary of Idaho.

ASSESSMENT INSURANCE COMPANIES.

AN ACT

RELATIVE TO ASSESSMENT INSURANCE COMPANIES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That any corporation, association or society which issues any certificates, policy or other evidence of interest to, or makes any promise or agreement with its members whereby, upon the decease of a member or the maturity of a certificate, any money or other benefit, charity, relief or aid is to be paid, provided or rendered by such corporation, association or society to the legal representatives of such member, or to the beneficiary designated by such member, which money, benefit, charity, relief or aid are derived from voluntary donations or from admission fees, dues and assessments, or any of them, collected or to be collected from the members thereof, or members of a class therein, and interest and accretions thereon, or rebates from amounts payable to beneficiaries or heirs; and wherein the paying, providing or rendering of such money or other benefit, charity, relief or aid is conditioned upon the same being realized in the manner aforesaid; and wherein the money or other benefit, charity, relief or aid so realized is applied to the uses and purposes of such corporation, association or society, and the expenses of the management and prosecution of its business, shall be deemed to be engaged in the business of life or endowment insurance upon the co-operative or assessment plan, and shall be subject only to the provisions of this act.

SEC. 2. Every such corporation, association or society doing a life endowment or casualty insurance business upon the co-operative or assessment plan, as herein defined, shall, on or before the first day of April in each year, make and file with the Comptroller of this Territory a report of its affairs and its operations during the year ending on the thirty-first day of December immediately preceding. Such report shall be upon blank forms provided by the said Territorial Comptroller, and shall be verified under oath by the duly authorized officers of such corporations, associations or societies, and shall be published, or the substance thereof, in his annual report by such Comptroller. And no

person shall transact the business of assessment insurance in this Territory without first complying with the provisions of this law, and obtaining the Territorial Comptroller's certificate to that effect.

SEC. 3. Each notice of assessment made by any corporation, association or society transacting the business of life, endowment or casualty insurance upon the co-operative or assessment plan made upon its members or any of them, shall truly state the cause and purpose of such assessment.

SEC. 4. Nothing in this act contained shall be construed to require any society or any subordinate lodge or body of any secret or fraternal or industrial society now organized in this Territory, paying only sick benefits not exceeding five hundred dollars in the aggregate to any one person in any one year, or a funeral benefit or relief to those dependent on a member, and not exceeding two thousand dollars, to make any report thereof as herein contemplated nor to require the subordinate lodges or councils or other bodies, by whatever name known, or secret or fraternal or industrial societies, to make and file the reports with the Territorial Comptroller, when the benefit, money, charity, relief or aid is payable by the grand or supreme body of the same, and is derived from assessments upon such subordinates or their members; but such reports shall be made and filed by such grand or supreme body. And nothing in this act contained shall be construed to affect the grand or subordinate lodges of the Independent Order of Odd Fellows as they now exist, nor to any grand or subordinate lodge of Free and Accepted Masons, nor to any grand or subordinate lodge of the Ancient Order of United Workmen.

SEC. 5. There shall be paid to the Territorial Comptroller by every corporation, association, society, person or persons to whom this act shall apply, the following fees: for filing and recording the declarations herein required, the sum of five dollars; for filing the annual statement, the sum of five dollars; for each certificate of authority and certified copy thereof, the sum of one dollar; for making copy of paper filed in his office, the sum of twenty cents per folio of one hundred words; and for affixing the seal of said office to such copy and certifying the same, one dollar. All fees collected by the Comptroller under this act shall be paid into the Territorial Treasury by him for the benefit of the Territorial School Fund.

SEC. 6. This act shall be in force from and after its passage and all acts and parts of acts in conflict herewith or inconsistent hereto, are hereby repealed.

Approved January 25, 1889.

APPOINTMENT OF DEPUTIES.

AN ACT

TO AMEND SECTION 1815 OF THE REVISED STATUTES OF THE TERRITORY OF IDAHO.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 1815 of the Revised Statutes of the Territory of Idaho be amended to read as follows:

SEC. 1815. Every county officer except Probate Judge, Commissioner, and Coroner, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office; *Provided*, that no deputy appointed by a County School Superintendent shall exercise the duties of such office except during the period when said Superintendent may be absent from his county.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 25, 1889.

SALE OF POISONS.

AN ACT

TO AMEND SECTION 1293 OF THE POLITICAL CODE, RELATING TO THE SALE OF POISONS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 1293 of the Political Code is amended by adding thereto the following clause:

Nothing in this Chapter shall be so construed as to prevent any general merchant from selling Strycknine or Phosphorus, or any compound of the same, put up in sealed packages bearing the name of the contents and of the physician or pharmacist by whom prepared or compounded, and sold and designed for the purpose of exterminating rodents or vermin. And such general merchant shall keep a record of the names of all persons purchasing such poisons or poisonous compounds with the date of said purchase.

SEC. 2. This shall take effect and be in force from and after its passage.

Approved January 25, 1889.

WATER SUPPLY FOR CAPITOL BUILDING.

AN ACT

TO AMEND SECTION ONE HUNDRED AND SEVENTY-THREE OF THE REVISED STATUTES AND TO AUTHORIZE PAYMENT FOR THE WATER SUPPLY FURNISHED FOR THE CAPITOL BUILDING FROM OCTOBER 1, 1886, TO JANUARY 1, 1889.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Section one hundred and seventy-three of the Revised Statutes is amended to read as follows:

SEC. 173. Said Board of Trustees have control of the Capitol Building and grounds with authority to receive, collect and receipt for all rents for the use of such parts of the building as may be rented by the Territory, and fix the amount of such rents, and execute all necessary leases and agreements. All rents so received must be paid into the Capitol Building Fund as provided by Section thirty-eight of the Special and Local Laws. All bills for fuel, lights and water furnished for, and for necessary repairs to the Capitol Building, not exceeding in amount the sum of twelve hundred dollars for any one calendar year, must, when approved and certified by the Trustees, be audited by the Comptroller and warrants issued therefor which must be paid by the Treasurer out of any moneys not otherwise appropriated; but the Trustees must not make or erect permanent improvements without special authority of the Legislative Assembly. They must keep the Capitol Building insured for not less than fifty thousand dollars; and the Territorial Library insured for a reasonable amount, in good responsible companies, that have complied with all the Laws of the Territory relating to Fire Insurance Companies, and the premiums for such insurance must be audited and paid as aforesaid.

SEC. 2. There is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of three hundred and thirty-seven dollars and fifty cents in full for water supplied for the Capitol Building from October 1, 1886 to January 1, 1889.

SEC. 3. There is hereby appropriated out of any moneys in the Territorial Treasury not otherwise appropriated, the sum of sixty-five dollars in full for furnishing and planting shade trees on the Capitol Building Block.

SEC. 4. This act to take effect and be in force from and after its passage and approval.

Approved January 25, 1889.

CERTIFICATE OF OFFICERS QUALIFIED.

AN ACT

TO AMEND TITLE II, CHAPTER XII OF THE POLITICAL CODE OF IDAHO TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Title II, Chapter XII, of the Political Code of Idaho Territory be amended by adding Section 606.

SEC. 606. The Clerk of the Board of County Commissioners must, as soon as the Probate Judge, Auditor and Recorder, and the Justices of the Peace, in their respective counties, have qualified, file in the office of the Clerk of the District Court in said county, a certificate showing the times when such officers qualified, their terms of office and the county or precinct for which they are elected or appointed; and all changes in said offices, whether by appointment, resignation or otherwise, must be certified to in like manner.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 25, 1889.

COUNTY SUPERINTENDENTS OF SCHOOLS—DISQUALIFICATION REMOVED.

AN ACT

TO REMOVE THE DISQUALIFICATIONS OF PERSONS ELECTED TO THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC SCHOOLS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That no person who received a majority of the legal votes at the last general election or who may receive the majority of legal votes at any subsequent election for the office of County School Superintendent in any county of Idaho Territory shall be disqualified from holding said office on account of sex.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 25, 1889.

PURCHASE OF LANDS FOR CEMETERY PURPOSES.

AN ACT

TO AUTHORIZE INCORPORATED CITIES AND TOWNS IN IDAHO TERRITORY TO PURCHASE LAND OUTSIDE OF THEIR CORPORATE LIMITS FOR CEMETERY PURPOSES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. All incorporated cities and towns in the Territory of Idaho, are hereby authorized to purchase land outside of their corporate limits for cemetery purposes, and to improve and have jurisdiction over the same.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 28, 1889.

EMINENT DOMAIN.

AN ACT

TO AMEND SECTION 5226, TITLE FOUR, CHAPTER FOUR, OF THE REVISED STATUTES OF IDAHO, RELATING TO EMINENT DOMAIN.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 5226, Title four, Chapter four, of the Revised Statutes of Idaho, approved January 11, 1887, be and the same is hereby amended to read as follows:

"At any time after trial and judgment entered or pending on appeal from the judgment to the Supreme Court, whenever the plaintiff shall have paid into the court for the defendant, the full amount of the judgment, and such further sum as shall be required by the court as a fund to pay any further damages and costs that may be recovered in said proceedings, as well as all damages that may be sustained by the defendant, if for any cause the property shall not be finally taken for public use, the District Court in which the proceeding was tried may, upon notice of not less than ten days, authorize the plaintiff, if already in possession, to continue therein, and if not, to take possession of and use the property during the conclusion of the litigation, and may, if necessary, stay all actions and proceedings against the plaintiff on account thereof.

The defendant who is entitled to the money paid into court for him upon any judgment, shall be entitled to demand and receive the same

at any time thereafter, upon obtaining an order therefor from the court. It shall be the duty of the court or the judge thereof, upon application being made by such defendant, to order and direct that the money so paid into court for him, to be delivered to him upon his filing a satisfaction of the judgment, or upon his filing a receipt therefor, and an abandonment of all defenses to the action or proceeding, except as to the amount of damages that he may be entitled to in the event that a new trial shall be granted. A payment to a defendant, as aforesaid, shall be held to be an abandonment by such defendant of all defenses interposed by him, excepting his claim for greater compensation. The court may order the money to be deposited in the County Treasury, and in such case it shall be the duty of the Treasurer to receive all such moneys, duly receipt for, and safely keep the same, and to pay out such moneys in such manner, and at such times as the Court or Judge thereof may direct, and for such duty he shall be liable to the plaintiff upon his official bond; *Provided further*, that at any time after the commencement of proceedings, in the District Court, as provided for in this Title, to condemn property, and upon ten days notice to the adverse party, the District Court or the Judge thereof may appoint three disinterested persons, who shall be residents of the county in which the land is situated as Commissioners to assess and determine the damages that the defendant will sustain by reason of the condemnation and appropriation of the property described in the complaint, and the said Commissioners shall, before entering upon the discharge of their duties, take and subscribe an oath to faithfully and impartially discharge their duties as such Commissioners. Such Commissioners shall give in writing at least five days notice of the time and place where they will meet for the purpose aforesaid, which place, unless agreed upon between the two parties, shall be within five miles of the premises aforesaid; at the time and place mentioned in such notice, they may administer oaths to witnesses, and hear the evidence offered by the parties, and after viewing the premises, shall report in writing their proceedings and the damages which they find the defendant will sustain by reason of the condemnation and appropriation of said property, which report shall be signed by said Commissioners, or a majority thereof, and be filed in the office of the Clerk of the District Court in which such actions shall be pending; and at any time after payment to the defendants of the amount so assessed and found by said Commissioners as damages, or in case the defendant shall refuse to receive the same, then at any time after such amount shall be deposited with the Clerk of the said Court to abide the result of said action, the plaintiff may enter upon and take possession of and use the property mentioned in the complaint, until the final conclusion of the litigation concerning the same; *Provided further*, that at the time of making such payment to the defendant of the amount so assessed and found by said Commissioners as damages, or in case the defendant shall refuse to receive the same, then at any time after such amount shall be deposited with the Clerk of the said Court to abide the result of said action, the plaintiff may elect to build the fences, cattle guards and

other structures by said Commissioners found to be necessary; and may execute to the defendant a bond as provided in Section 5223."

SEC. 2. That this act shall take effect and be in force from and after the date of its passage.

Approved January 28, 1889.

FEES OF COUNTY SURVEYOR.

AN ACT

TO AMEND SECTION 2132 OF THE REVISED STATUTES, RELATING TO FEES OF COUNTY SURVEYORS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 2132 be amended by striking out after the word Survey in 22d line "the following"—In the county of Cassia in addition to the fees allowed by law, the County Surveyor must receive an annual salary of two hundred dollars.

SEC. 2. This act shall take effect and be in force from and after the second Monday in January, A. D. 1891.

Approved January 28, 1889.

OATH OF INTENTION—REGISTRATION.

AN ACT

TO AMEND SECTION 501, REVISED STATUTES OF IDAHO.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 501 of the Revised Statutes be amended to read as follows:

SEC. 501. No person under guardianship, *non compos mentis*, or insane, nor any person convicted of treason, felony or bribery in the Territory or in any other State or Territory in the Union, unless restored to civil rights, nor any person who is a bigamist or polygamist, or who teaches, advises, counsels or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or who is a member of any order, organization or association which teaches, advises, counsels or encourages its members or devotees, or any other person, to commit the crime of bigamy or polygamy or any other crime defined by law, either as a rite or ceremony of such order, organization or association or otherwise, is permitted to vote at any election or to hold any position or office of honor, trust or profit

within this Territory. Any person who, since the first day of January, A. D. 1888, has been or is a bigamist or polygamist, or who teaches, counsels, advises or encourages, or belongs to any order, organization or association which teaches, counsels, advises or encourages any person to become a bigamist or polygamist, or to enter into what is known as plural or celestial marriage, or to commit any crime or do any act or thing forbidden by law, either as a rite or ceremony of such order, organization or association, or otherwise, must, before he can be registered or become a legal voter, or vote at any election whatever in this Territory, first appear before the District Court or Clerk thereof, and take and subscribe the following oath and declaration of intention, to wit:

TERRITORY OF IDAHO, } ss.
County of ..... }

I, ..., do solemnly swear that I have in good faith withdrawn from and severed my connection with any order, organization or association that teaches, advises, counsels or encourages its members or devotees, or any other person, to commit the crime of bigamy or polygamy, or any other crime defined by law, or to enter into what is known as plural or celestial marriage; that I am not a bigamist or polygamist, nor do I teach, counsel, advise or encourage any person to belong to any order, organization or association that teaches any person to become a bigamist or polygamist, or any other crime defined by law, either as a rite or ceremony, or to enter into what is known as plural or celestial marriage, and that it is my intention not to become a member of any order, organization or association, and that I will not aid, support or assist in supporting, or encourage in any manner, any order, organization or association that teaches the offenses herein named, and that I will obey all the laws of the United States and of this Territory forbidding the offenses herein named, so help me God.

Subscribed and sworn to before me, }
this .. day of ....., A. D. 18... }

At any time after two years from the time of making such oath and declaration, the affiant may appear before the District Court, with two witnesses, who are legal voters and who have never been members of any order, organization or association herein described; and said affiant and witnesses must be examined by the court concerning said affiant; and if it appear to the satisfaction of the court that he did, at least two years prior, take said oath, and that he has not since been a member of any such order, organization or association, and has not aided, supported or assisted in supporting any such order, organization or association, that he has not taught, advocated or encouraged any of the offenses herein referred to in this section, and has in good faith taken and observed his said oath, the court may make an order admitting him to the privilege of registration and voting, if otherwise qualified.

SEC. 2. This act takes effect from and after its passage.

Approved January 29, 1889.

BONDS OF ASSESSORS.

AN ACT

TO AMEND SECTION 1828 OF THE REVISED STATUTES.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

SECTION 1. That Subdivision seven of Section 1828 of the Revised Statutes be amended by striking out the word "twenty" in said Subdivision seven, and insert instead thereof the word "fifty."

SEC. 2. This act to take effect from and after its passage.

Approved January 29, 1889.

PRISON COMMISSION.

AN ACT

TO CREATE A PRISON COMMISSION AND TO PRESCRIBE ITS POWERS AND DUTIES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. A Prison Commission is hereby created, to be composed of three persons, who shall be residents of the Territory.

SEC. 2. The said Prison Commission must be nominated, and by and with the advice and consent of the Legislative Council, appointed by the Governor. Their term of office is two years, and until their successors are appointed and qualified. Before entering upon the duties of their office, they must each take and subscribe an oath to support the Constitution of the United States, and well and faithfully discharge their duties according to law, and the oath provided for county officers. They must elect one of their members President and another Secretary, at a meeting to be held within thirty days after they have received their commission.

SEC. 3. They shall have power and authority to provide for the safekeeping, maintaining and working of all Territorial prisoners now under sentence in this Territory, and all who may hereafter be sentenced by the courts of this Territory to labor in the penitentiary. They shall have authority to contract with the authorities of any State or Territory, or with the United States, for the keeping, maintaining and working of the prisoners of the Territory, or any part or number of them. They are hereby authorized to supply all necessary means to work, equip and guard such prisoners under their own direction, or that of any suitable person or persons. All expenses incurred under this provision shall be audited and paid in the same manner as other bills

against the Territory. And all moneys accruing from the labor of the said prisoners, shall be paid into the Territorial Treasury.

SEC. 4. The Commissioners shall, at the instance of the Warden of the Penitentiary where such convicts are confined, enquire into the sanity of any prisoner, as provided in Sections 769, 770, 771, 772, 773, 774 of the Revised Statutes, and if he be found to be insane, the Chairman of the Commission shall issue his certificate of the fact to the Governor of the Territory, upon whose order the Warden of the Penitentiary shall deputize some suitable person to transfer the insane convict to the Idaho Insane Asylum. The expense of such transfer shall be paid in the manner set forth in Chapter I, Title five of the Revised Statutes relating to the Insane Asylum.

SEC. 5. Power is further given to enquire into all matters relating to the mistreatment of convicts, and to recommend to the Governor such action relating to the pardon of any prisoner as may seem advisable.

SEC. 6. All necessary expenses incurred by said Commissioners in carrying out the provisions of this act, shall be audited and paid, as other accounts against the Territory; *Provided*, that no salary or *per diem* shall be allowed said Commissioners or any one of them.

SEC. 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved January 30, 1889.

UNIVERSITY OF IDAHO.

AN ACT

ENTITLED AN ACT TO ESTABLISH THE UNIVERSITY OF IDAHO.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. There is hereby established in this Territory, at the Town of Mascon, in the County of Latah, an institution of learning, by the name and style of "The University of Idaho."

SEC. 2. The government of the University shall vest in a Board of Regents, to consist of nine members, chosen from the Territory at large, which Board the Governor shall nominate, and by and with the advice and consent of the Legislative Council appoint. The term of office of said Regents shall be two years from the first Monday in February in the year in which appointed.

SEC. 3. The Board of Regents and their successors in office, shall constitute a body corporate, by the name of "The Regents of the University of Idaho," and shall possess all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law, and shall have the custody of the books, records, buildings and

other property of said University. The Board shall elect a President, Secretary and Treasurer, who shall perform such duties as shall be prescribed by the by-laws of the Board. The Secretary shall keep a faithful record of all the transactions of the Board and of the Executive Committee thereof. The Treasurer shall perform all the duties of such office, subject to such regulations as the Board may adopt, and for the faithful discharge of all his duties shall execute a bond in such sum as the Board may direct.

SEC. 4. The time of the election of the President, Secretary and Treasurer of said Board, and the duration of their respective terms of office and the times for holding the regular annual meeting and such other meetings as may be required, and the manner of notifying the same, shall be determined by the by-laws of the Board. A majority of the Board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 5. The Board of Regents shall enact laws for the government of the University in all its branches, elect a President and the requisite number of professors, instructors, officers and employees, and fix the salaries and the term of office of each, and determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no instruction either sectarian in religion or partisan in politics shall ever be allowed in any department of the University, and no sectarian or partisan test shall ever be allowed or exercised in the appointment of Regents or in the election of professors, teachers or other officers of the University, or in the admission of students thereto, or for any purpose whatever. The Board of Regents shall have power to remove the President or any professor, instructor or officer of the University, when, in their judgment, the interests of the University require it. The Board may prescribe rules and regulations for the management of the libraries, cabinet, museum, laboratories and all other property of the University and of its several departments, and for the care and preservation thereof, with penalties and forfeitures, by way of damages for their violation, which may be sued for and collected in the name of the Board, before any Court having jurisdiction of such action.

SEC. 6. The Board of Regents are authorized to expend such portion of the income of the University fund hereinafter created, as they may deem expedient for the erection of suitable buildings and the purchase of apparatus, a library, cabinets and additions thereto.

SEC. 7. At the close of each fiscal year, the Regents, through their President, shall make a report in detail to the Governor, exhibiting the progress, conditions and wants of the University, the course of study, the number of professors and students, the amount of receipts and disbursements, together with the nature, costs and results of all important investigations and experiments, and such other information as they may deem important.

SEC. 8. The President of the University shall be President of the Faculty or of the several Faculties as they may be hereafter established and the executive head of the instructional force in all its departments; as such, he shall have authority, subject to the Board of Regents, to

give general direction to the instruction and scientific investigation of the University, and so long as the interests of the institution require it he shall be charged with the duties of one of the professorships. The immediate government of the University shall be intrusted to the Faculty, but the Regents shall have the power to regulate the course of instruction and prescribe the books or works to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in Universities, or as they shall deem appropriate, and to confer upon the Faculty by by-laws, the power to suspend or expel students for misconduct or other cause prescribed by such by-laws.

SEC. 9. The object of the University of Idaho, shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific, industrial and professional pursuits, and to this end it shall consist of the following colleges or departments, to-wit:

First—The College or Department of Arts.

Second—The College or Department of Letters.

Third—The professional or other colleges or departments as may from time to time be added thereto or connected therewith.

SEC. 10. The College or Department of Arts shall embrace courses of instruction in mathematical, physical and natural sciences with their application to the industrial arts, such as agriculture, mechanics, engineering, mining and metallurgy, manufactures, architecture and commerce in such branches included in the College of Letters, as shall be necessary to a proper fitness of the pupils in the scientific and practical courses for their chosen pursuits, and as soon as the income of the University will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts shall be expanded into distinct colleges of the University, each with its own Faculty and appropriate title. The College of Letters shall be co-existent with the College of Arts, and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the College of Arts as the Regents of the University shall prescribe.

SEC. 11. The University shall be open to female as well as male students, under such regulations and restrictions as the Board of Regents may deem proper.

SEC. 12. No student who shall have been a resident of the Territory for one year, next preceding his admission shall be required to pay any fees for tuition in the University, except in a professional department and for extra studies. The Regents may prescribe rates of tuition for any pupil in a professional department, or who shall not have been a resident as aforesaid, and for teaching extra studies.

SEC. 13. The Board of Regents herein provided for, shall be appointed immediately after this act becomes a law; and within ninety days after the appointment of said Regents, the Board shall meet at Boise City and elect a President, Secretary and Treasurer thereof, and shall at said meeting adopt by-laws for the government of said Board and the officers chosen by virtue of this act.

SEC. 14. The sum of fifteen thousand dollars is hereby appropriated out of any money in the Territorial Treasury of Idaho, not otherwise appropriated, and the Territorial Comptroller is hereby authorized to draw his warrant on the Territorial Treasurer for said amount, and the Territorial Treasurer is hereby directed and commanded to pay the same, as hereinafter provided, which money shall be expended for the following purposes, to wit:

First—The purchase of a site or grounds for said University, said location to consist of not less than ten nor more than twenty acres of ground, and for the improvement of the same, and for keeping the same in repair.

Second—To advertise for and obtain plans and specifications for a University building under such rules and regulations as the Board may impose.

Third—For the payment of the necessary expenses of said Board, as hereinafter provided.

SEC. 15. The President and Secretary ex-officio, and one member of the Board to be appointed by the President thereof, shall constitute an Executive Committee of said Board, whose duties shall be prescribed by the by-laws of the Board.

SEC. 16. Upon executing and filing with the Territorial Treasurer a good and sufficient bond, in whatever sum the Board of Regents shall direct, provided said bond shall have been first approved by the Territorial Attorney-General, the Territorial Treasurer shall pay over to the Treasurer of said Board, the sum of fifteen thousand dollars, or so much thereof as may be available; and in the event said sum is not paid in full upon the execution and delivery of said bond as aforesaid, then the remainder of said sum shall be transferred to the Treasurer of said Board as speedily as the fund shall accumulate therefor.

SEC. 17. The Treasurer of said Board shall, out of any moneys in his hands belonging to said Board, pay all orders drawn upon him by the President and Secretary thereof, when accompanied by vouchers fully explaining the character of the expenditure, and the books and accounts of the Treasurer shall at all times be open to the inspection of the Board. The Treasurer shall make an annual report to the President of the Board of all transactions connected with the duties of his office.

SEC. 18. There shall be levied and collected annually, a Territorial tax of one half mill for each dollar of the assessed valuation of the taxable property of the Territory, which amount, when so levied and collected, shall be appropriated to a University Building Fund, to remain in the Treasury subject to the order of the Board of Regents; but in no event shall said Board appropriate the fund thus collected, or any portion thereof, to any purpose other than that for which said fund was provided; *and provided further*, that said tax shall not be levied and collected for a longer period than four years.

SEC. 19. The Regents shall receive the actual amount of their expenses in traveling to and from and in attendance upon all meetings of the Board, or incurred in the performance of any duty in pursuance of any direction of the Board; accounts of such expenses shall be duly

authenticated and audited by the Board, and be paid on their order by the Treasurer out of any fund belonging to the University not otherwise appropriated; no Regent shall receive any pay, mileage or *per diem*, except as above prescribed.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved January 30, 1889.

RELIEF OF HAWLEY, CAMPBELL AND HAILEY.

AN ACT.

FOR THE RELIEF OF E. R. HAWLEY, J. P. CAMPBELL AND JOHN HAILEY, JR.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the sum of three hundred dollars be, and the same is hereby appropriated, out of any money not otherwise appropriated, to pay E. R. Hawley, J. P. Campbell and John Hailey, Jr., for services rendered and expenses incurred in capturing and returning to the Penitentiary, Scott C. Holbrook, a convict, who escaped from that institution on the 27th day of August, 1886, and who was arrested and returned to the prison, by the above named parties, on the 22d day of November, 1888.

SEC. 2. The Territorial Comptroller is hereby authorized to draw his warrant on the Territorial Treasurer for one hundred and seventy-five dollars in favor of E. R. Hawley; for one hundred dollars in favor of J. P. Campbell, and for twenty-five dollars in favor of John Hailey, Jr., and the Territorial Treasurer is hereby authorized to pay the same, out of any money in the Territorial Treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its approval.

Approved January 30, 1889.

CUSTER COUNTY—TO AMEND SECTION ONE OF ACT.

AN ACT

TO AMEND SECTION ONE OF AN ACT ENTITLED "AN ACT TO CREATE AND ORGANIZE THE COUNTY OF CUSTER," APPROVED JANUARY 8, 1881.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows: that Section one of an act entitled "An act to create and organize the County of Custer," approved January 8, 1881, is amended to read as follows, to wit:

SECTION 1. That all those portions of the Counties of Lemhi, Alturas, and whatsoever others, in this Territory, embraced and included within the following boundaries, to wit: Commencing at the confluence of the Pahsimeroi River with the Salmon River, and running thence up Pahsimeroi River to the mouth of Big Creek, thence up Big Creek, and on a line from the head thereof, with the general course of said creek to the summit of the divide between the waters of the Pahsimeroi and Lemhi Rivers, thence southeasterly on the summit of said divide to a point due west from the headwaters of the Little Lost River, thence due east to the headwaters of said Little Lost River, thence down Little Lost River to the point where the trail leading to Pass Creek crosses said Little Lost River, thence in a direct line to the head of Pass Creek, thence down said Pass Creek to Big Lost River, thence along Big Lost River to the mouth of Antelope Creek, thence up Antelope Creek to the divide which separates its waters from those of Little Wood River, thence westerly, along and upon the summit of the ridge of mountains dividing the headwater of the East Fork of the Salmon River, from the waters of the Little or Big Wood River, and continuing westerly on said divide between the East Fork of Salmon and Wood Rivers, to the main Salmon River, thence along said Salmon River to the mouth of Fall Creek, a stream entering the Salmon River at a point about fifteen (15) miles, northerly from Sawtooth City, thence up said Fall Creek to Pettit Lake in a right line to the right of a Creek entering said lake at the west end thereof, thence up said last mentioned creek to the summit of the Sawtooth Mountains, thence northerly along the summit of the Sawtooth Mountains, to the divide which separates the waters flowing into the South Payette River and Bear Valley Creek from those flowing into the main Salmon River and Cape Horn Creek, thence along said divide to the Middle Fork of the Salmon River, thence down the Middle Fork of the Salmon River to the mouth of Loon Creek, thence up Loon Creek to the mouth of Warm Spring Creek, thence up Warm Spring Creek, and to the divide which separates the waters of Yankee Fork on the south, and Loon and Deep Creeks on the north, and following said divide in an easterly direction

around the head of Panther Creek, to the divide between Hat Creek and Ellis Creek, thence on the divide between Hat and Ellis Creeks in an easterly direction to the Salmon River, thence up the main channel of said Salmon River to the place of beginning.

SEC. 2. This act to take effect and be in force, from and after its passage.

Approved February 4, 1889.

CARRYING DEADLY WEAPONS.

AN ACT

REGULATING THE USE AND CARRYING OF DEADLY WEAPONS IN IDAHO TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That it is unlawful for any person, except United States officials, officials of Idaho Territory, County officials, Peace officers, Guards of any jail, and officers or employees of any Express Company on duty, to carry, exhibit or flourish any dirk, dirk-knife, sword, sword-cane, pistol, gun or other deadly weapons, within the limits or confines of any city, town or village or in any public assembly of Idaho Territory. Every person so doing is guilty of a misdemeanor and is punishable by fine not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than twenty days nor more than fifty days, or by both such fine and imprisonment.

SEC. 2. One half of all fines collected under the provisions of this act shall be paid to the officer making the arrest, which amount shall be payment in full for his services. The other one half shall be paid into the Common School Fund of the county, after deducting the necessary costs of the prosecution of the case.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 4, 1889.

STALLIONS.

AN ACT

RELATING TO STALLIONS OFFERED FOR SERVICE IN IDAHO TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Every owner or agent who may have the custody or control of any stallion, who shall charge a fee for the service of such stallion, shall before advertising or offering such service to the public, for any fee, reward or compensation, file with the Recorder of the county in which such owner or owners or agent resides, or in which such stallion shall be kept for service, a written statement, giving the name, age, pedigree, if known, and if not, that the same is unknown, description, terms, and conditions upon which such stallion will serve. Upon filing such statement, the County Recorder shall issue a certificate or license to the owner, or owners, or agent having the custody and control of such stallion, that such statement has been filed in his office. The owner, or owners, or his or their agent, of such stallion shall then post a written or printed notice, of a copy of the statement so filed with the County Recorder, together with the certificate of the Recorder, in a conspicuous place in each locality in which such stallion shall be kept for service.

SEC. 2. Every owner or agent who shall proclaim or publish a false or fraudulent pedigree, or shall neglect or refuse to comply with the provisions of Section one of this act, shall forfeit all fees for the services of such stallion, and the person or persons who may have been deceived or defrauded by such false or fraudulent pedigree, may sue and recover in any court having jurisdiction, such damages as may be shown to have been sustained by reason of such false representation and fraud.

SEC. 3. Whenever the owner, or his agent, of any stallion, shall have complied with the foregoing provisions of this act, the services of such stallion shall become a lien on each mare served, together with the foal of such mare, from the time of such service, in an amount agreed upon between the parties at the time of service, or if no agreement was entered into, then in such amount as specified as service fee of stallion or stallions in the statement of the owner or agent filed with the County Recorder; *Provided*, a notice of lien shall be filed within twelve months after such service, in the same manner and place as chattel mortgages are now required by law to be filed. The notice of lien so filed shall be in writing, specifying against whom the claim is, the amount of the same, together with a full description of the property upon which the lien is held. Such lien shall terminate at the end of one year from the date of filing notice thereof, unless, within that time, an action shall be commenced for the enforcement thereof, as provided for the enforcement of other liens.

SEC. 4. The County Recorder shall be entitled to receive a fee of twenty cents per folio for recording the statement so required to be filed or recorded in pursuance of this act, together with the certificate that the same has been filed.

SEC. 5. This act to take effect and be in force from and after its passage.

Approved February 4, 1889.

STENOGRAPHIC REPORTS.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A COURT STENOGRAPHIC REPORTER IN EACH JUDICIAL DISTRICT OF IDAHO TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the Judge of each District Court in this Territory shall have the authority, and he is hereby empowered, to appoint a competent stenographer, who shall be the official reporter of the several courts in his district, and whose duty it shall be to correctly report all proceedings had in said court, and the testimony taken in all cases tried before said court.

And when a notice of intention to move for a new trial is given in any cause so tried, and written notice thereof served on the said reporter by the parties to said action or their attorneys, he shall, within thirty days thereafter, file with the clerk of said court a transcript of said proceedings and testimony in long hand or by typewriter, which said transcript shall constitute, *prima facie*, the minutes of the court, and may be used as such on all motions for new trials, review or appeal, when the minutes of the court might heretofore be used.

And said reporter shall, at all times when called upon so to do, produce his original notes to the court for inspection and comparison with the transcript so filed, or for inspection when no such transcript has been filed.

SEC. 2. That said reporter shall hold his office at the pleasure of the court by which he is appointed.

SEC. 3. That said reporter shall receive a yearly compensation for said services of two thousand dollars, to be paid quarterly on the first days of January, April, July and October, out of the General Fund of the Territorial Treasury, and the Controller is hereby authorized and empowered to draw his warrant thereon to make such payments when they shall be due, and the Territorial Treasurer is hereby authorized to pay the same out of any money in the Territorial Treasury not otherwise appropriated.

SEC. 4. The plaintiff in all civil actions hereafter commenced in the District Courts of this Territory shall, at the time of filing the complaint in such action, pay to the Clerk of said Court the sum of three

dollars, which sum the said Clerk shall, on the first Monday of each and every month after the receipt of such sum, pay the amount so received to the Treasurer of the county in which the action is pending.

SEC. 5. The Treasurer of each and every county shall, at the end of each regular quarter, during each year, transmit to the Territorial Treasurer all sums received by him from the Clerk of the District Court during the preceding quarter under the provisions of Section 4, which sums the Territorial Treasurer shall place to the credit of the general fund of the Territory.

SEC. 6. This act takes effect from and after its passage.

Approved February 4, 1889.

WAGON ROAD.

AN ACT

TO PROVIDE FOR A WAGON ROAD BETWEEN MT. IDAHO, IN IDAHO COUNTY, AND LITTLE SALMON MEADOWS, IN WASHINGTON COUNTY.

WHEREAS, A wagon road between Mt. Idaho, in Idaho County, and Little Salmon Meadows, in Washington County, would open up many new mining camps and extensive agricultural districts upon and adjacent to the line thereof, would constitute a grand Territorial highway by facilitating travel between North Idaho and South Idaho, and more closely connecting all the counties of the Territory, would furnish the ready passage of troops and easy transportation of military supplies, in case of Indian wars, to those outlying sections most exposed to the inroads of savage tribes, and would be of almost incalculable benefit to the entire Territory of Idaho. And

WHEREAS, Not only the counties through which said proposed road would pass, but the whole Territory would be benefitted by the building thereof, while the great expense attending its construction would preclude the counties upon the line thereof from building the same from their own resources. And

WHEREAS, Under the laws of the United States legislation, such as is herein proposed, must be ratified and approved by the Congress of the United States. And,

WHEREAS, This Legislative Assembly desires to construct the said proposed road at the expense of the Territory of Idaho. Therefore,

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. There shall be constructed in Idaho and Washington Counties, in Idaho Territory, a wagon road commencing at Mt. Idaho, in Idaho County, and running thence by way of Florence and Warm Springs, over the most practicable route, to Little Salmon Meadows, in Washington County, together with such necessary bridges over the

streams crossed by said road as may be necessary for safe and convenient travel thereon.

SEC. 2. Within thirty days after this act shall be ratified and approved by the Congress of the United States, the Governor of the Territory of Idaho, shall appoint three resident citizens of Idaho Territory to be a Commission for the construction of said wagon road, and shall appoint a day, not to be less than ten days nor more than thirty days thereafter, upon which said Commissioners shall meet and organize.

SEC. 3. The first meeting of said Commission shall be held at Boise City, in Ada County, Idaho Territory. Subsequent meetings shall be held at such places as a majority of said Commission may determine. Every member of said Commission shall take and subscribe an oath faithfully to perform the duties of his trust according to law.

SEC. 4. Should any of the persons appointed Commissioners by the Governor, fail to be present at the first meeting of the said Commission, or to qualify, then the Governor shall appoint some other competent person in his place and stead. Should a vacancy at any time occur in said Commission by death, resignation, failure to act, or otherwise, said vacancy shall be filled by appointment of some competent person by the Governor.

SEC. 5. At the first meeting of said Commissioners they shall select one of their number as President of the Commission, and shall choose one of their number, or some other competent person, Secretary of the Commission, to act during their pleasure, and may fix his compensation, which shall not exceed five hundred dollars for all services rendered as Secretary. The Territorial Treasurer of Idaho Territory shall be Treasurer of the Commission, and shall be liable upon his official bond for the faithful performance of his duties as such.

SEC. 6. No Commissioner shall be interested in any contract to be let or made under the provisions of this act, or in any supplies furnished to or for said Commission, or be a surety for the performance of any such contract, or the agent or partner of any contractor with said Commission, and no action shall be maintained or recovery had against said Commission or the Territory upon a contract or obligation in which any Commissioner is so interested, but the same shall be void.

SEC. 7. Said Commission shall keep a strict and accurate account of all money, disbursed by them under the provisions of this act, and shall make a report and statement on the first day of June and the first day of January of each year, to the Governor, of all their disbursements, contracts and transactions; and shall, upon the completion of said wagon road and its acceptance by them as hereinafter provided, make a full and complete report to the Governor of all their transactions, of all kinds, on and about said road, which report the Governor shall transmit to the next succeeding session of the Legislative Assembly. The Commission may make such rules and regulations for the transaction of its business and for the government of its appointees and employees as it may deem expedient and necessary.

SEC. 8. Said Commission, or a majority of the members thereof, shall, as soon as practicable after their first meeting, personally examine

the vicinity of the proposed road, and shall definitely locate the line thereof, between the said terminal points. The said Commission is authorized hereby to employ such suitable persons as may be necessary to assist them in locating and defining the line of said road, and may fix the compensation of such persons, but the compensation of such persons so employed shall not exceed the sum of five hundred dollars. The line of said road shall be marked in such manner as the Commission shall deem proper, but must be done in such manner as will clearly indicate the proposed line thereof throughout its entire course.

SEC. 9. As soon as practicable, after the line of said road has been determined, the Commission shall meet at such place as may be determined upon, and shall proceed to divide the line of said proposed road into sections, naming as the beginning and end of each section well-known and easily determined points; and shall settle upon and determine the width of proposed grades, the points on said road where culverts, corduroys, drains, etc., shall be necessary, the distance upon each side of said road that trees shall be cut down, the bridges that shall be built, and all the other requirements that may be necessary, and shall let to the lowest responsible bidders after public advertisement in such newspaper or newspapers, not exceeding three in number, as the Commission may select as being most likely to give notice to contractors, for a period of four weeks, contracts for the several and different sections of said road. Each contract shall include one section of said road, and shall call for such width of grades and other requirements as may have been settled upon by the Commission, and shall include, except where said road shall cross the main Salmon River, all culverts, bridges, corduroys, drains, etc., as may have been settled upon by the Commission. The Commission shall require adequate bonds or other security from all contractors, and may reject any and all bids, if, in their judgment, the same are too high. The contracts let under this section by the said Commission, shall not exceed the sum of forty thousand dollars, and before letting any contract for any section of said road, the Commission must be satisfied from the bids received that the entire amount to be expended under this section will not exceed the said sum of forty thousand dollars.

SEC. 10. Said Commission shall, as soon as practicable, after the line of said road has been determined, proceed to procure and adopt plans and specifications for a bridge across the main Salmon River at a point whereat they have determined that said road shall cross said stream, and to make a careful estimate of the cost of the same, and of all necessary piers, abutments, embankments and protections; which plans, specifications and estimates shall be filed with the Secretary of said Commission, and shall be open to the inspection of all persons desiring to contract for building said bridge; and they shall immediately proceed to advertise for four weeks in such newspapers published in the Territory, not exceeding three in number, as may be selected for the purpose, for sealed proposals for the erection of said bridge and its approaches and protection, according to the specifications on file with the Secretary. At such time as the Commission may set for the opening of such bids the Commissioners shall meet and open said bids

and shall award the contract to the lowest responsible bidder, if not in excess of the expenditure hereinafter authorized, unless the Commission shall for good and sufficient reasons reject all the bids, in which case, and as often as they shall for good reasons reject all the bids offered, they shall immediately re-advertise as before and receive and open bids as above directed. The Commission shall require from the person or persons, or firm, to whom is let the contract for said bridge, a bond in such sum as they shall deem necessary, and not to be less than five thousand dollars, with two sufficient sureties, conditioned for the faithful performance of the contract. The amount to be expended for the construction of said bridge is limited hereby to the sum of seven thousand five hundred dollars, and no contract shall be let for the construction thereof for a greater amount.

SEC. 11. For plans and specifications for said proposed bridge, the Commission may expend a sum not exceeding one hundred dollars, and for advertising under Sections 9 and 10 hereof, they are authorized to expend a sum not to exceed one hundred dollars in all.

SEC. 12. Said Commissioners shall appoint one of their number, or some other competent person, as superintendent of the construction of said road, whose compensation shall be fixed by the Board, and shall not exceed two hundred dollars per month, and he shall be paid only for the time that he is actually engaged in the duties of his position as superintendent, and his compensation shall in no event exceed the sum of one thousand dollars for all services rendered as such superintendent.

SEC. 13. As compensation for his services, each Commissioner shall receive the sum of five dollars for each day actually engaged in the duties of his office, not to exceed fifty days in all, and the further sum of ten cents per mile for each mile necessarily traveled as such Commissioner, to be paid as hereinafter set forth.

SEC. 14. On letting contracts under the provisions of this act the time for the completion of the work contracted for shall in no case be extended beyond the first day of September, 1890.

SEC. 15. All money authorized to be expended under the provisions of this act, shall be paid out of the fund hereinafter provided for by the Territorial Treasurer, upon the orders of the President of the said Commission, countersigned by the Secretary thereof.

SEC. 16. No moneys shall be paid out on orders issued by the said Commission upon the Treasurer, upon any contract made by the Commission, until the said contract has been finished and accepted by the Commission.

SEC. 17. That for the purpose of furnishing the money to be used in building said road and paying the other expenses incurred by virtue of the provisions of this act, a loan of fifty thousand dollars is hereby authorized to be negotiated on the faith and credit of the Territory, and the Treasurer of the Territory is hereby authorized, empowered and directed to issue bonds of the Territory in sums of one thousand dollars each, payable in twenty years from the date of their issuance, to bear interest at the rate of six (6) per centum per annum, payable semi-annually, on the first day of January and July each year, at a bank in the City, County and State of New York, to be selected by the Terri-

torial Treasurer; but said bonds shall be redeemable at the pleasure of the Territory at any time after the expiration of ten years from the date of their issuance, and shall be numbered from one to fifty consecutively. The Treasurer of the Territory is hereby directed, authorized and empowered, to cause to be printed or lithographed suitable bonds in proper form with coupons attached. All such bonds shall be signed by the Secretary of the Territory with his own proper name, affixing his official character, and shall be authenticated with the great seal of the Territory, and shall be signed or indorsed by the Governor of the Territory with his proper name and affixing his official character, and shall then be delivered by the Secretary of the Territory to the Controller of the Territory, who shall make and keep a register of such bonds, showing the number and amount of each bond, and shall then deliver the same to the Treasurer of the Territory, and charge him on the official books of the Controller's office with the full amount of such bonds.

SEC. 18. At the time of issuing said bonds under the provisions of this act, the Territorial Treasurer shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the Territory. The coupons for the payment of interest, shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to forty, inclusive, each bearing the corresponding number of the bond to which they are attached. The Treasurer shall keep a register of all the bonds issued by him, showing the date of issuance, and shall deliver said bonds with the coupons attached as aforesaid, to the purchaser or purchasers upon the receipt of the purchase money therefor; and the money received from the sale of the bonds herein provided for, shall be used in the construction of said wagon road and the other expenses provided for in this act, and shall be paid out as herein provided; *provided, however*, that none of such bonds shall be sold for less than their face or par value. The expenses of printing or lithographing and procuring suitable bonds with coupons attached, shall be paid out of the fund arising from the sale of the same, as an expense incident to the construction of said road.

SEC. 19. For the purpose of creating a fund to pay the interest coupons, and the principal of said bonds, in addition to the taxes now imposed by law, an annual *ad valorem* tax of two cents upon each one hundred dollars of the assessed value of all property in this Territory not exempt from taxation, is hereby levied, and shall be collected as are other taxes for Territorial purposes. All moneys received by the Territorial Treasurer as the proceeds of the tax hereby levied, shall be set apart by him, and shall constitute a separate and distinct fund to be known as the Road Fund. And the Territorial Treasurer shall pay the interest on said bonds when due out of said Road Fund, taking the coupons as his vouchers therefor. And after the expiration of ten years from the issuance of any of said bonds, whenever there shall be five thousand dollars or more in the said Road Fund, over and above the amount required for the payment of interest coupons due, or to become due within the ensuing six months, the Territorial Treasurer shall use such

surplus money in the redemption of said bonds in the order of their number and date of issue, of which the Treasurer shall give notice by publication once a week for four successive weeks in some newspaper published at the Territorial Capital, and from the date of the last publication of such notice, the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented within sixty days from the date of the last publication of such notice, the Treasurer shall apply the money for the redemption of bonds next in number of the number and date of their issue.

SEC. 20. If at any time there shall not be sufficient moneys in said Road Fund to pay the interest coupons or the principal of such bonds when due, the Territorial Treasurer shall pay the same out of the General Fund of the Territory, and shall replace the amount so paid out of the Road Fund whenever moneys intended for said fund shall be received.

SEC. 21. If at any time before the end of eight years after the issuance of said bonds there shall be in said Road Fund the sum of twenty-five hundred dollars or more, over and above the interest coupons due or to become due within six months next ensuing, the Treasurer shall transfer from the said Road Fund to the General Fund of the Territory said amount, and make the proper entries of said transfer in his books, and thereafter said amount shall constitute a part of said General Fund; *Provided, however*, that should at any time afterward there not be sufficient money in said Road Fund to pay the interest coupons on the bonds herein authorized to be issued, said Treasurer shall replace in the Road Fund so much of the money transferred to the General Fund as may be necessary to pay said coupons.

SEC. 22. For the payment of the bonds herein authorized and the interest thereon according to the strict terms thereof, the faith of the Territory of Idaho is solemnly pledged; and for the payment of the interest as the same shall accrue on the bonds hereby authorized in lawful money of the United States, the Treasurer shall reserve any and sufficient of the funds in his hands at the least possible cost, in preference to all other claims whatsoever, except the interest on other Territorial bonds heretofore issued under laws passed by the Legislative Assembly of Idaho.

SEC. 23. The Treasurer shall commence negotiations for the issuance and sale of the bonds herein provided for, immediately upon the approval of this act by the Congress of the United States.

SEC. 24. The road herein provided for and the bridges on the line of said road shall at all times be used by the United States, or any of the residents or citizens thereof, free of charge or toll of any kind.

SEC. 25. Upon the completion of said road and the acceptance thereof by the Legislative Assembly, the Commission herein created shall no longer exist.

SEC. 26. After the completion and acceptance of said road, the Boards of County Commissioners of the respective counties wherein the same is situated, shall cause the portions thereof within their respective counties to be repaired and maintained as are other public roads within their respective counties; *Provided, however*, that nothing herein con-

tained shall be construed as waiving any right the Territory may have in or to said road, or any right to legislate in the future as to said road.

SEC. 27. This act shall be in force and take effect from and after its passage, and its ratification and approval by the Congress of the United States.

Approved February 5, 1889.

RE-APPORTIONMENT OF MEMBERS OF THE LEGISLATURE.

AN ACT

TO RE-APPORTION THE MEMBERS OF THE LEGISLATURE OF THE TERRITORY OF IDAHO.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Sections 118 and 119, of the Revised Statutes, are hereby amended to read as follows, to wit:

SEC. 118. That the members of the Legislative Council are apportioned as follows:

To the County of Ada, one member; to the Counties of Ada and Boise, one member; to the County of Alturas, two members; to the County of Bingham, one member; to the Counties of Bear Lake, Cassia and Oneida, one member; to the County of Latah, one member; to the Counties of Idaho and Nez Perce, one member; to the Counties of Owyhee and Washington, one member; to the Counties of Custer and Lemhi, one member; to the County of Shoshone, one member; to the Counties of Kootenai and Shoshone, one member.

SEC. 119. The members of the House of Representatives are apportioned as follows:

To the County of Ada, three members; to the County Alturas, four members; to the County of Bingham, two members; to the Counties of Bingham and Custer, one member; to the County of Boise, one member; to the County of Custer, one member; to the County of Idaho, one member; to the County of Latah, two members; to the County of Lemhi, one member; to the County of Nez Perce, one member; to the County of Owyhee, one member; to the County of Shoshone, two members; to the County of Washington, one member; to the Counties of Bear Lake, Cassia and Oneida, one member; to the County of Kootenai, one member; and to the Counties of Oneida and Cassia, one member.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 6, 1889.

HIGHWAYS.

AN ACT

TO AMEND ARTICLE EIGHT OF CHAPTER TWO OF THE REVISED STATUTES RELATING TO OBSTRUCTIONS AND INJURIES TO HIGHWAYS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Article eight of Chapter two of the Revised Statutes be amended by adding thereto the following sections:

"SEC. 977. That all highways crossing or ending on any river, creek or stream, must be open the same width down to, and across said river, creek or stream, as it is before it reaches said stream."

"SEC. 978. That the passage-ways for stock under any road must be bridged with suitable plank not less than eighteen feet in length, and it shall be lawful for the fences of either side to converge to the bridge over said passage-way. The said passage-way must be kept securely bridged by the person who owns the adjoining lands, and must be kept in good repair by said owner. Said bridge shall not be placed more than one foot above the level of the roadway.

"The approaches to the bridges over said passage-way must also be kept in good repair by said owner."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 6, 1889.

COUNTIES.

AN ACT

CREATING AND ORGANIZING THE COUNTIES OF ELMORE AND LOGAN AND DEFINING THE BOUNDARIES OF BINGHAM AND ALTURAS COUNTIES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That all that portion of the Territory of Idaho contained within the following boundaries, to wit:

Beginning at a point on top of the Sawtooth Range of Mountains, where the Counties of Alturas, Boise and Custer unite, thence along the present line of Custer County to a point where said lines intersect the summit of Sawtooth Range, thence following the spur of said range to where the trail crosses the summit of what is known as the Mattingly Creek divide, thence along said divide to a point as far east as the range line between ranges eleven and twelve east would come if extended north,

thence south to Snake River, thence down the Snake River to where the line of Ada County intersects said stream, thence along and upon the entire line of the Counties of Ada and Boise to the place of beginning, is hereby created a county named and to be known as the County of Elmore, and to be organized as herein provided.

SEC. 2. All that portion of Idaho Territory lying within the following boundaries, to wit:

Beginning at a point where the base line intersects the 113th meridian of longitude west from Greenwich, thence west on said base line to the center of the channel of the Little Wood River, thence up the channel of said Little Wood River to a point eight miles north of the base line, thence due west to the eastern boundary line of Elmore County half way between ranges eleven and twelve, if said range lines were extended north, thence south to the center of the main channel of Snake River, thence up the center of the channel of Snake River to where the first standard parallel south crosses said river east of the 113th meridian of longitude west from Greenwich, thence west along said parallel to where the same crosses the 113th meridian of longitude west from Greenwich, thence north along said meridian of longitude to the place of beginning, shall comprise the County of Logan and be organized as herein provided.

SEC. 3. That Section 484 of the special and local laws of Idaho Territory, being Section 1 of "An act to create Bingham County and for other purposes," be amended to read as follows:

Beginning at a point where the northern boundary of Idaho Territory intersects the western boundary of Wyoming Territory, thence running westerly along the northern boundary of Idaho Territory to the northeast corner of Lemhi County, thence south along the eastern boundary of Lemhi County to the southeast corner of Lemhi County, thence west along the southern boundary of Lemhi County to a point on said south line, due north of the Big Southern Butte, thence due south on a line to a point where it intersects with the first standard parallel south, thence easterly on the said first standard parallel south to the center of the channel of Snake River, thence up Snake River to the mouth of the Portneuf River, thence up Portneuf to what is known as the point of the mountains, about four miles northwest of Pocatello, thence southerly in a straight line to the top of the range, thence along the crest of the mountains between Malad and Marsh Valley to a point on the top of the range due west of a point one mile south of the present southern boundary of the town site of Oxford, thence due east to the Bear Lake County lines, thence northerly and easterly along the line of Bear Lake County to the line of Wyoming Territory, thence north to the place of beginning.

SEC. 4. All that portion of Idaho Territory not embraced in the above limits and within the present limits of Alturas County is established as the County of Alturas.

SEC. 5. It is made the duty of the Governor of Idaho Territory within fifteen days after the approval of this act to appoint and commission for Elmore and Logan Counties respectively, from the citizens of the Territory, the following officers, to wit:

For each county, three County Commissioners, one Sheriff, one District Attorney, one Auditor and Recorder, one Assessor and Collector, one Probate Judge, one Treasurer, one Surveyor, one Coroner, one Superintendent of Public Schools; and the persons so appointed shall hold their offices until the next general election, and until their successors are duly elected and qualified as required by law.

SEC. 6. The county seat of said Elmore County is temporarily located at the town Rocky Bar. The county seat of Logan County is located temporarily at the city of Shoshone, and at the regular election to be held in the year 1890, the County Commissioners of said Elmore and Logan Counties must submit the question of location of the county seat for their respective counties to the voters of the said counties, and the places in each county receiving the highest number of votes for the county seat is hereby declared to be the permanent county seat for said counties.

SEC. 7. The indebtedness of Alturas County at the date of the passage and approval of this act shall be apportioned between the Counties of Alturas, Elmore, Logan and Bingham Counties, in the same proportion that the taxable property of the three counties have acquired from Alturas County, and that the four counties bear to each other as shown by the assessment roll of the year 1888 in Alturas County, and at their regular meeting in April, 1889, the Boards of Commissioners of the four counties mentioned shall, respectively, appoint each a competent accountant who shall meet at the town of Hailey and proceed to audit and ascertain the amount of indebtedness to be paid by each of the aforesaid counties to Alturas County, and they shall apportion all moneys in the treasury of said Alturas County, in the same proportion that they apportion the debt, but in apportioning the debt and bonds, they shall make no apportionment of the bonds issued for the erection of the court house or other public buildings in Alturas County, nor of any cash on hand to pay said bonds and interest, and they shall make out four certificates, one to be delivered to the Board of Commissioners for each county, showing the total indebtedness of Alturas County, its character, whether bonded or otherwise, and also the proportion to be paid by each county, and such accountants shall be allowed a reasonable sum for their services, to be paid by the county appointing each respectively.

SEC. 8. Immediately after filing of the certificate of the proportion of the indebtedness named in the preceding Section (7), the Auditors of Elmore and Logan and Bingham Counties, under the supervision of their respective Boards of Commissioners, must draw his warrant in sums of five hundred dollars, but one warrant may be drawn for a less amount in order to pay a fractional part of the debt, and not transferable, and bearing interest at the rate of seven per cent. per annum, in favor of Alturas County, to the full amount of the indebtedness apportioned to their respective counties, the interest on said warrants to be paid on first day of January and first day of July in each year at the office of the County Treasurer of Alturas County, or at such bank in the city of New York as may be designated by the Board of County Commissioners of Alturas County, such warrants to be re-

deemed by each respective county in the following manner: Ten per cent. of the total amount issued to be paid in eight years from the date of issue and ten per cent. annually thereafter, until all of said warrants are paid, making the last warrants redeemable eighteen years from the date of issue, and the money so received from the Counties of Elmore, Logan and Bingham by Alturas County, shall be applied only to the payment of the present indebtedness of Alturas County, or the securities into which it has been funded.

SEC. 9. The County Recorder of Alturas County shall, within six months after the passage of this act, transfer to the county seat of said Elmore County, all books of record prior to January 1, 1880, and shall, within the same time, transcribe in proper books, all records in his office pertaining to, as proper to be made matters of record in said Elmore County and recorded since January 1, 1880, and said Recorder shall receive for all records so transcribed, the sum of twenty cents per folio including index for said record; and the cost of the necessary books, and of transferring and transcribing such records, must be paid by Elmore County, and the Recorder of said Elmore County shall, upon demand of the Board of Commissioners of Alturas County, transcribe any and all records necessary or proper to be made matter of record in said Alturas County, and recorded prior to January 1, 1880, in the records of said county, for which transcribing of said records the Recorder of said Elmore County shall be entitled to be paid the sum of twenty cents per folio by said Alturas County, and when so transcribed and transferred, such records shall be of the same force and effect as notice, and shall be received in all courts in like manner, and certified copies therefrom with like effect as evidence, as would the original or certified copies thereof.

SEC. 10. The County Recorder of said Alturas County shall, within six months after the passage of this act, transcribe into proper books all records in his office pertaining to, or proper to be made matter of record in said Alturas County, transfer to the county seat of said Logan County, and when so transcribed, the said Recorder shall receive for all records so transcribed, the sum of twenty cents per folio, including index for said records, and the cost of the necessary books, and of transcribing and transferring such records, must be paid by Logan County, and when so transcribed and transferred, such records shall be of the same force and effect as notice, and shall be received in all courts in like manner and certified copies therefrom with like effect as evidence, as would the original or certified copies thereof.

SEC. 11. All laws in conflict with this act are hereby repealed.

SEC. 12. This act to take effect and be in force from and after its passage.

Approved February 7, 1889.

TAX DEEDS.

AN ACT

TO AMEND SECTION 1553 OF THE POLITICAL CODE, RELATING TO TAX DEEDS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 1553 is amended to read as follows:

If the property is not redeemed within one year from the date of sale, the Collector or his successor in office must make to the purchaser or his assignee, a deed to the property, reciting in the deed substantially the matter contained in the certificate, and that no person redeemed the property during the year allowed for its redemption.

The Collector is entitled to receive from the purchaser two dollars and fifty cents for making the deed.

Approved February 7, 1889.

LEGISLATIVE APPORTIONMENT.

AN ACT

AMENDATORY OF AND SUPPLEMENTARY TO AN ACT ENTITLED, AN ACT TO APPORTION THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF TERRITORY OF IDAHO, APPROVED FEBRUARY 6, 1889.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Sections 118 and 119 of the Revised Statutes are hereby amended to read as follows, to wit:

SEC. 118. That the members of the Legislative Council are apportioned as follows:

To the County of Ada, one member; to the County of Alturas, one member; to the County of Elmore and Logan, one member jointly; to the County of Bingham, one member; to the Counties of Bear Lake, Cassia and Oneida, one member; to the County of Latah, one member; to the Counties of Idaho and Nez Perce, one member; to the Counties of Owyhee and Washington, one member; to the Counties of Custer and Lemhi, one member; to the County of Shoshone, one member; to the Counties of Kootenai and Shoshone, one member.

SEC. 119. The members of the House of Representatives are apportioned as follows:

To the County of Ada, three members; to the County of Alturas, two members; to the County of Elmore, one member; to the County of Logan, one member; to the County of Bingham, two members; to the Counties of Bingham and Custer, one member; to the County of Boise,

one member; to the County of Custer, one member; to the County of Idaho, one member; to the County of Latah, two members; to the County of Lemhi, one member; to the County of Nez Perce, one member; to the County of Owyhee, one member; to the County of Shoshone, two members; to the County of Washington, one member; to the Counties of Bear Lake, Cassia and Oneida, one member; to the County of Kootenai, one member, and the Counties of Oneida and Cassia, two members.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

SURGERY.

AN ACT

TO AMEND SECTION 1298 E (SEC. 6), OF THE REVISED STATUTES OF IDAHO TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Section 1298 E (Sec. 6), be, and the same is hereby amended to read as follows:

SEC. 1298 E (Sec. 6). No portion of this act shall apply to any person who in an emergency may prescribe or give advice, in medicine or surgery, in a township where no physician resides within convenient distance, nor to those who have practiced medicine or surgery in this Territory for a period of ten years next preceding the passage of this act, nor to persons prescribing in their own families, nor to midwifery in places where no physician resides within convenient distance.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

HOGS TRESPASSING.

AN ACT

TO AMEND SECTION 1341, 1343 AND 1344, CHAPTER FOUR OF THE REVISED STATUTES OF IDAHO, RELATING TO TRESPASSING OF HOGS.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

SECTION 1. That Section 1341, Chapter four of the Revised Statutes of Idaho, be amended by adding thereto: ' and shall be allowed fifty cents per head additional for each animal so taken up."

SEC. 2. Section 1343, is amended to read as follows:

SEC. 1343. If the owner and taker-up of such hog can not agree as to the amount of damage, they must each select a disinterested person, residing in the precinct where such trespass has been committed, who must, after first hearing all the facts in the case from both parties interested, fix the amount of damages, if any to be paid, and the same are a lien upon said hog and other personal property of the owner, not exempt by law, and if said amount is not paid within five days together with costs of keeping said hog, the taker-up must notify the Constable of the precinct, whose duty it is to levy upon the hog and a sufficient amount of other personal property of the owner not exempt by law as shall pay all damages and costs, and shall sell at public auction on the premises where the said hog was taken up, after first giving five days notice of such sale, in the manner prescribed in the last Section, and must be applied, first, to the payment of the Constable's fees, which are the same as on execution; second, the payment of the award, and subsequent charges for keeping to the taker-up of such hog, and the remainder, if any, must be paid to the owner of such hog; *Provided*, that either party feeling aggrieved by the award may appeal to any Justice's or Probate Court within the county, within five days after said award and the party so appealing must file a good and sufficient bond for the payment of all costs and expense arising from said appeal.

SEC. 3. Section 1344 is amended to read as follows:

SEC. 1344. If the owner or person entitled to the possession of such hog does not appear and substantiate his title thereto, and pay the charges thereon within thirty days after the notice has been given, as above provided, the absolute ownership of such hog shall be vested in the person taking up such hog; *Provided*, he shall keep a copy of the notices posted, as prescribed by this act, which shall have endorsed thereon the date and manner of posting and the places where posted, which shall have the same force and effect as a bill of sale of such hog.

SEC. 4. That the following shall be section 1345:

SEC. 1345. It shall be the duty of any Constable or Peace officer in any platted and recorded town, upon the complaint of any citizen thereof, to take up and impound all hogs found running at large within the limits of said town. He shall keep and dispose of all hogs so taken up in the manner prescribed by this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

MARRIAGE.

AN ACT

TO AMEND SECTIONS 2421, 2434, 2435, 2437 AND 2440 OF THE REVISED STATUTES OF IDAHO, RELATING TO THE CONTRACT OF MARRIAGE.

Be it enacted by the Legislative Assembly of the Territory of Idaho:

SECTION 1. That Sections 2421, 2434, 2435, 2437 and 2440 be amended to read as follows:

SEC. 2421. Any unmarried male of the age of eighteen years or upwards, and any unmarried female of the age of eighteen years or upwards, and not otherwise disqualified, are capable of consenting to and consummating marriage.

SEC. 2434. Every person solemnizing a marriage must make a record thereof, and within thirty days after such marriage, make and deliver to the Probate Judge of the county where the marriage took place a certificate under his hand, containing the names and residences of the parties, and of at least two witnesses present, and of the time and place of such marriage; and when the consent of the parent or guardian is necessary, stating that the same is duly given.

SEC. 2435. All such certificates must be filed and recorded, in the office of the Probate Judge, in a book to be kept by him for that purpose; and he may receive a fee of one dollar from the person solemnizing the marriage, who may demand the same from the parties before the marriage.

SEC. 2437. Every person solemnizing a marriage, who neglects to make and deliver to the Probate Judge a certificate thereof within the time specified, forfeits and must pay for such neglect, the sum of twenty dollars; and every Probate Judge who neglects to record such certificate so delivered, forfeits the like penalty.

SEC. 2440. The original certificate, and record of marriage made by the Judge, Justice or Minister, as prescribed in this Chapter, and the record thereof by the Probate Judge of the county, or a copy of such record duly certified by such Probate Judge, must be received in all courts and places as presumptive evidence of the fact of such marriage.

SEC. 2. This act shall be in force and take effect from and after its passage and approval.

Approved February 7, 1889.

KILLING OF SHEEP AND HOGS.

AN ACT

TO AMEND SECTION 2682 OF THE REVISED STATUTES.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

SECTION 1. That Section 2682 of the Revised Statutes be amended to read as follows:

"SEC. 2682. In case of maiming or killing of any cattle, sheep or hog, the body of the animal belongs to the company, unless the owner elects, within twelve hours, to take the same in satisfaction, or reduction of damages; the company may proceed to take care of and preserve the body of such animal, and must, unless taken by the owner, take off enough of the hide to show distinctly any brands on such animal, also both ears, including the hide between the ears, and in such way as to keep the ears together, and the pieces of the hide so taken off, and the ears of each animal must be attached together and be preserved for at least three months for inspection, at the station house nearest to the place where such killing or maiming occurred; and for every failure so to keep any such pieces of hide and ears for inspection, the company, in addition to the damages to the owner, forfeits one hundred dollars, to be recovered in an action in the name of the Territory, in any court of competent jurisdiction, one half to be paid into the School Fund of the County, and the residue to the informer."

SEC. 2. This act to take effect from and after its passage.

Approved February 7, 1889.

GAME AND FISH.

AN ACT

TO AMEND SECTIONS 7185, 7186, 7187, 7193, 7194 AND 7197, TITLE FOURTEEN, CHAPTER ONE, OF THE REVISED STATUTES, RELATING TO VIOLATIONS OF GAME AND FISH LAWS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That Sections 7185, 7186, 7187, 7193, 7194 and 7197, Title fourteen, Chapter one, of the Revised Code, are amended as follows:

SEC. 7185. Every person who wilfully shoots or otherwise causes to be killed, or offers for sale any buffalo, elk, deer, antelope or mountain sheep, between the first day of January and the first day of September, in each year, is guilty of a misdemeanor, and is punishable by fine, not less than one hundred dollars, nor more than three hundred dollars for each offense committed.

SEC. 7186. It is unlawful for any person, at any time, to kill or destroy any of the game mentioned in the last Section, solely for the purpose of obtaining the hides or horns, or to ship the same out of the Territory for speculative purposes. Any person so doing, is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars, nor more than three hundred dollars, for each offense committed.

SEC. 7187. It is unlawful for any person or persons to shoot or otherwise kill any quail or mongolian pheasant, or to trap or snare for the purpose of killing or carrying away the same, or to destroy their eggs; *Provided*, it shall be lawful to shoot quail between the first day of October and the fifteenth day of December of each year. Any person or persons violating the provisions of this Section, is guilty of a misdemeanor, and is punishable by fine of not less than fifty dollars nor more than one hundred dollars, for each offense committed.

SEC. 7193. It is unlawful for any person in this Territory to make any dams, or use any nets, seines, fish traps, or any similar device or measures, for catching fish, or to ship the same out of this Territory for speculative purposes; *Provided*, that no person is prohibited by this Chapter, from the catching of salmon or sturgeon with seine or spear.

SEC. 7194. Every person, company or corporation guilty of violating either of the preceding Sections is guilty of a misdemeanor, and is punishable by fine not less than one hundred nor more than three hundred dollars for each offense committed.

SEC. 7197. Every person who puts into the waters of this Territory, or who uses any poisons or explosive substances, for the purpose of taking or destroying any species of fish, is guilty of a felony, and is punishable by fine not less than two hundred and fifty nor more than five hundred dollars, or by imprisonment in the Territorial penitentiary for a term not less than one year, nor more than three years, or by both fine and imprisonment.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

ANIMALS—TO SUPPRESS CONTAGIOUS DISEASES AMONG.

AN ACT

TO SUPPRESS AND PREVENT THE DISSEMINATION OF CONTAGIOUS OR INFECTIOUS DISEASES AMONG DOMESTIC ANIMALS AND TO PROTECT STOCK OWNERS.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

SECTION 1. The Governor of the Territory is hereby authorized to nominate and by and with the advice and consent of the Council, appoint three residents of the Territory, who must be practical stock men, as members of a Board of Live Stock Commissioners, to carry into effect the provisions of this act relating to the suppression of contagious or infectious diseases among domestic animals. Before entering upon the discharge of his duties, each member of such Board and every other officer provided by this act, shall take and subscribe an oath to faithfully perform the duties and obligations imposed upon him by the provisions herein contained; which oath shall be filed in the office of the Secretary of the Territory.

SEC. 2. The Governor is also authorized to nominate and by and with the advice and consent of the Council, appoint a suitable person as Territorial Stock Inspector, who must be a graduate in good standing of a reputable veterinarian school, and who is by this act placed under the direction of the Board of Live Stock Commissioners.

SEC. 3. The Board shall select its own Chairman and Secretary, may make such rules and regulations for the transaction of its business, not inconsistent with the provisions of this act, as they may deem expedient and necessary. A full record of all the proceedings of said Commissioners shall be kept by the Secretary thereof.

SEC. 4. It is the duty of the Board of County Commissioners of each county, to appoint a suitable resident citizen of the county, who must be a practical stock man, as County Stock Inspector, whose duty shall be to report in writing to the Chairman of the Board of Live Stock Commissioners any information concerning the existence of contagious or infectious diseases among live stock in his county and also to perform all duties imposed upon him by the Territorial Board of Live Stock Commissioners. Each County Inspector shall be allowed the sum of five dollars per day for each day's services performed by him under the direction of the Board of Live Stock Commissioners, said compensation to be paid out of the County Treasury.

SEC. 5. The duties of said Board of Live Stock Commissioners shall be as follows: To investigate, or cause to be investigated, any and all cases of contagious or infectious disease among domestic animals in this Territory, of which the said Board may have knowledge or which may be brought to their notice by the County Stock Inspector, or by

any resident in the locality where such disease exists. And it shall also be the duty of the Board, in the absence of specific information, to direct the Territorial Stock Inspector to make visits of inspection to any locality where they may have reason to suspect that there is contagious or infectious disease. To inspect, or cause to be inspected, under the regulations of this act, all domestic animals that may arrive at any railroad station in this Territory, when these animals are such as to warrant the presumption that they are intended to remain in the Territory, and are to be, or may be, used for breeding purposes therein. And it shall be the duty of the owner, or, in his absence, of the person in charge of such animals so arriving, to notify the Chairman of the Board of Live Stock Commissioners of their arrival, without delay, and not to allow such animals, or any of them, to leave the place of arrival until he receives a certificate from the Board signed by the Chairman thereof, authorizing their removal. Should it appear to the satisfaction of the Board that these animals so arriving, or any of them, are infected with contagious disease, the said Board shall direct the Territorial Stock Inspector to inspect said animals, reporting to the Board the result of his inspection. And no animal pronounced unsound by the Board shall be turned loose, removed, or permitted to escape, but shall be held subject to the order of the Board. Any person failing to comply with this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars for each offense.

SEC. 6. In all cases of contagious or infectious disease among domestic animals in this Territory, the Board of Live Stock Commissioners shall have authority to order the quarantine of the infected premises, and in case such disease shall become epidemic in any locality in this Territory, the Board shall immediately notify the Governor of the Territory, who shall thereupon issue his proclamation, forbidding any animal of the kind among which said epidemic exists, to be transferred from said locality without a certificate from the Board, showing such animal to be healthy.

SEC. 7. In any case of epidemic disease where premises have been previously quarantined by the Board, as before provided, they are further authorized and empowered, when in their judgment necessary, to order the slaughter of any or of all diseased animals upon said premises, and of all animals that have been exposed to contagion or infection under the following restrictions: Said order shall be a written one and shall be made in duplicate, and there shall be a distinct order and duplicate for each owner of the animals condemned, the original of each order to be filed by the Chairman of the Board with the Governor, and the duplicate given to said owner; and further, before slaughtering any animal or animals that has been exposed only, and does not show disease, the Board, or officer authorized by the Board, shall call into consultation two reputable and well known stock owners, residents of the Territory, and the officer shall have the written endorsement upon his order of at least one of said consulting stock owners, stating that such action was necessary, and the consent of the

owner or person in charge, before such animal or animals shall be slaughtered.

SEC. 8. Whenever, as herein provided, the Board of Live Stock Commissioners shall order the slaughter of one or more animals, the officer executing the order shall at the time of receiving such order notify, in writing, the nearest Justice of the Peace, who shall thereupon summon three disinterested citizens (who shall be stock owners), of the neighborhood to act as appraisers of the value of such animals. Said appraisers, before entering upon the discharge of their duties, shall be sworn to make a true and faithful appraisement without prejudice or favor. They shall, after making their appraisement, return certified copies of their valuation, a separate one being made for each owner, together with an accurate description of each animal slaughtered (giving all brands, earmarks, wattles, age, sex and class as to whether American, halfbreed or Texas), to the Justice of the Peace by whom they were summoned, who shall, after entering the same upon his record and making an endorsement upon each, showing it to have been properly recorded, return it, together with the duplicate order of the Board, to the person or persons owning the animals slaughtered, and it shall be the duty of the Territorial Stock Inspector or the County Stock Inspector, as the Board of Live Stock Commissioners may direct in their order, to superintend the slaughter of such animals as may be condemned, and also the destruction of the carcass, which latter shall be by burning to ashes, and shall include every part of the animal and hide, and also excrement as far as possible. He shall cause the said slaughter and burning to be done as cheaply as possible, and shall certify to the Board of County Commissioners of the county in which such slaughter is done, the amount of said expense which shall be paid out of the County Treasury, and he shall also report to the Board of Live Stock Commissioners the result of his labors.

SEC. 9. The County Stock Inspectors shall report annually to the Board of Live Stock Commissioners, at the time that the other county officers report to the Territorial officers, a full statement of all matters connected with their work, and of all duties performed by them during the year. The Board of Live Stock Commissioners shall make an annual report, on or before the first day of December, to the Governor of all matters connected with their work, and the Governor shall transmit to the several Boards of County Commissioners, such parts of said report as may be of general interest to the breeders of live stock. The Governor shall also give information in writing, as rapidly as he obtains it, to the various Boards of County Commissioners, of each cause of suspicion or first eruption of disease in each locality, its course and the measures adopted to check it.

SEC. 10. Whenever the Governor of the Territory shall have good reason to believe that any disease covered by this act has become epidemic in certain localities in another State or Territory or that conditions exist which render domestic animals liable to convey disease, he shall thereupon, by proclamation, schedule such localities and prohibit the importation from them of any live stock of the kind diseased into this Territory, except under such restrictions as he may deem proper.

Any corporation, or any person or persons, who, after the publication of such proclamation, shall knowingly receive in charge any such animal or animals from any one of said prohibited districts, and transport or convey the same within the limits of this Territory shall be deemed guilty of a misdemeanor, and upon conviction fined not less than one thousand dollars, nor more than ten thousand dollars for each and every offense, and shall further become liable for any and all damages and loss that may be sustained by any person or persons by reason of the importation or transportation of such prohibited animals.

SEC. 11. It shall be the duty of any person or persons, who shall have or suspect that there is upon his or their premises, any case of contagious or infectious disease among domestic animals, to immediately report the same to the Board of Live Stock Commissioners; and a failure so to do, or any attempt to conceal the existence of such disease, or to wilfully or maliciously obstruct or resist the said Board or its legally appointed agents, in the discharge of his duty as hereinbefore set forth, shall be deemed a misdemeanor. Any person or persons who shall be convicted of any one of the above acts or omissions, shall be fined not less than fifty dollars, nor more than five hundred dollars, for each and every such offense; shall forfeit all claims to indemnity for loss, and upon conviction a second time, shall, in addition to the above named fine, be imprisoned for a term not less than thirty days, nor more than six months.

SEC. 12. The following regulations shall be observed in all cases of disease covered by this act: *First*, it shall be unlawful to sell, give away or in any manner part with any animal affected with or suspected of contagious or infectious disease, and in the case of any animal that may be known to have been affected with, or exposed to any such disease within six months prior to such disposal, due notice of the fact shall be given in writing to the party receiving the animal. *Second*, it shall be unlawful to kill for butcher purposes, any such animal, to sell, give away or use any part of it, or its milk, or to remove any part of the skin. A failure to observe these provisions shall be deemed a misdemeanor, and on conviction shall be punished by a fine not less than one hundred dollars, nor exceeding five hundred dollars. It shall be the duty of the owner or person having in charge any animal affected with, or suspected of any contagious or infectious disease, to immediately confine the same in a safe place, isolated from other animals, and with all necessary restrictions to prevent dissemination of the disease until action is taken by the Board.

The above regulations shall apply as well to animals in transit through the Territory, as to those resident therein, and the Territorial Stock Inspector or the County Stock Inspector of each County shall have full authority to examine, whether in car, or yards, or stables, all animals passing through the Territory, or any part of it, and on detection or suspicion of disease, to take possession of, report them to the Board and by their authority to treat and dispose of said animals in the same manner as is prescribed for animals resident in the Territory.

SEC. 13. All claims arising from the slaughter of animals under the provisions of this act shall, together with the order of the Board of Live

Stock Commissioners and the valuation of the appraisers in each case, be submitted to the Board of County Commissioners of the County in which said animals have been slaughtered, who, at their regular meeting next ensuing, shall examine them, audit the same and for such as they find equitable and entitled to indemnity, shall allow the same to be paid out of the County Treasury. In auditing any claim under this act, it shall be the duty of the Board of County Commissioners to satisfy themselves that it does not come under any class for which indemnity is refused by this act, and they shall require the affidavit of the claimant to this fact, or if the claimant be not cognizant thereof, then of some reputable person who is cognizant thereof, and also the certificate of the officer under whose direction the animals were slaughtered (whose duty it shall be to inform himself fully of the facts) that in his opinion the claim is legal and just, and the Board of Commissioners may at their discretion require further proof. The indemnity to be granted shall be two thirds of the ordinary value of the animal as determined by the appraisers, without reference to its diminished value because of being diseased. It shall be the duty of the owner to make application to the Board of County Commissioners for payment, presenting the proofs prescribed herein, within six months of the slaughter of the animal for which payment is claimed, failing which such claim shall be barred by limitation. These payments shall be paid by the County Treasurers on warrants ordered by the Board of County Commissioners and from the fund provided by this act. The right to indemnity under this act is limited to animals destroyed by reason of the existence or suspected existence of some epizootic disease, generally fatal and incurable, such as rinderpest, hoof and mouth disease, pleuro-pneumonia, anthrax or Texas fever among bovines, glanders among horses, and anthrax among sheep. For the ordinary contagious diseases not in their nature fatal, such as scab or hoof-rot in sheep, and epizootic influenzas in horses, no immunity shall be paid.

The right to indemnity shall not exist and payment of such shall not be made in the following cases: *First*, for animals belonging to the United States. *Second*, for animals that are brought into the Territory contrary to the provisions of this act. *Third*, for animals that are found to be diseased, or that are destroyed because they have been exposed to disease before or at the time of their arrival in the Territory. *Fourth*, when any animal was previously affected by any other disease which from its nature and development was incurable and necessarily fatal. *Fifth*, when the owner or person in charge shall have knowingly or negligently omitted to comply with the provisions of Sections eleven and twelve of this act. *Sixth*, when the owner or claimant, at the time of coming in possession of the animal, knew it to be diseased or received the notice specified in the first clause of Section twelve of this act.

SEC. 14. The Board of Live Stock Commissioners shall hold four meetings each year on the second Monday in January, April, July and October, said meetings not to be more than three days in duration, for which each member shall be allowed the sum of five dollars per day, to be paid out of the Territorial Treasury. Each member shall be allowed

a salary of fifty dollars per year. The Chairman of said Board is hereby authorized to call special meetings of said Board whenever he deems it necessary, but for which no *per diem* shall be allowed. The Territorial Stock Inspector shall receive for his services the sum of fifteen hundred dollars per annum. He shall hold his office for two years. The appraisers herein provided for shall each receive three dollars per day for each day or part of day they may be actually employed as such, which claim shall be filed with the Board of County Commissioners for the county, together with a certificate of the Justice who summoned them. The Justice shall receive his ordinary fee for issuing a summons.

SEC. 15. The Board of County Commissioners is hereby authorized to levy, at the time of making the annual assessment, a special tax not exceeding one mill on the dollar, upon the assessed value of all cattle, sheep, horses and mules in the county, to be known as the County Stock Indemnity Fund, whenever the condition of the live stock in said county requires the expenditure of money to prevent the spread of disease. Said tax shall be levied and collected by the several counties and paid to the County Treasurer, in the manner provided by law for the levying, collection and payment of other county taxes. Said fund shall constitute the Indemnity Fund specified by this act to be used in paying for animals destroyed under the provisions thereof, and shall be used exclusively for that purpose. Said special tax shall be assessed upon all live stock found grazing in said county or counties, and notwithstanding the fact that the owner or person in charge may exhibit a tax receipt from some other State or Territory.

SEC. 16. All persons other than butchers, who occasionally slaughter neat cattle for beef, shall exhibit the hide or hides of such cattle at the time and place the beef or any part thereof is offered for sale, and the County Stock Inspector is empowered to enforce this regulation and may compel all persons who slaughter neat cattle for beef to file with him a statement showing the number of cattle slaughtered, the time when and the place where. Any person violating this section is guilty of a misdemeanor.

SEC. 17. Every person who cruelly whips, beats or otherwise unnecessarily ill-treats any animals, or who shall be detected running cattle or other stock with dogs from any watering place, hay-bottom, hay stock, or on any cattle or stock range in this Territory, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars for each and every offense. All fines collected in accordance with this Section shall be paid half to the officer enforcing the law, and half into the County Treasury of the County in which the offense was committed. The County Stock Inspector may be authorized by the Board of County Commissioners to observe all violations of this section and to bring to justice all found violating said Section, for which services he shall be paid such reasonable compensation as the Board of County Commissioners may direct.

SEC. 18. Any Sheriff or other person or persons arresting any horse, cattle or mule thief, highway robber, or person obstructing or attempting to obstruct any railroad track, or wrecking or attempting to wreck

any railroad train in the Territory of Idaho, shall receive a reward of two hundred and fifty dollars, to be paid by the county where the offense was committed upon conviction and sentence of the offender to the Territorial Penitentiary for the term of not less than one year.

SEC. 19. It shall be unlawful for any person in this Territory to sell any head of live stock without giving a written bill of sale therefor; and it shall be unlawful for any person in this Territory to purchase any head of live stock, without receiving a bill of sale therefor; such bill of sale shall contain a full description of all marks or brands, or either, on such live stock and must be witnessed by two reputable citizens of the Territory, acknowledged before a Notary Public or other officer authorized to use a seal, and must be recorded in the office of the County Recorder in the same manner that deeds are recorded.

SEC. 20. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

PROHIBITING THE SALE OF CIGARETTES TO MINORS.

AN ACT

TO PREVENT THE SALE OF CIGARETTES TO MINORS, AND FOR OTHER PURPOSES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. It shall not be lawful for any merchant, trader, peddler, pharmacist, druggist, apothecary, or saloon-keeper, or any other person or persons, male or female, in this Territory, with or without a license, after the passage of this act, to sell by wholesale or retail, or give away, directly or indirectly, to any person or persons, male or female, under the age of twenty-one years, cigarettes for smoking or the compounds of tobacco used in the filling or make-up of cigarettes for the purpose of chewing or smoking.

SEC. 2. Any merchant or saloon-keeper, trador, peddler, pharmacist, druggist or apothecary, or any other person or persons in this Territory violating the provisions of Section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the sum of one hundred dollars, and the cost of the prosecution.

SEC. 3. This act shall take effect and be in force from and after its approval by the Governor.

Approved February 7, 1889.

TO AUTHORIZE THE STATE OF OREGON TO ERECT A HATCHERY.

AN ACT

AUTHORIZING THE STATE OF OREGON TO ERECT, MAINTAIN AND OPERATE A HATCHERY IN THE TERRITORY OF IDAHO.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. The State of Oregon is hereby authorized and permission is granted to it, to build, construct, maintain and operate, at such point in the Territory of Idaho as may be selected by the proper officers of said State of Oregon, a fishing hatchery, and for the purpose aforesaid the said State of Oregon may acquire title to, and hold such real and personal property as may be deemed necessary or convenient for the purposes aforesaid.

SEC. 2. That nothing in this act shall be so construed as to authorize the State of Oregon or their Fish Commissioners to so construct, maintain or operate the said fish hatcheries in any part of the Territory of Idaho, so that the said fish hatcheries shall in any manner interfere with the free use of the water of any river or stream where the said fish hatcheries shall be constructed, maintained or operated, by any person or persons using the said water of such river or stream for irrigation. And further, nothing in this act shall be so construed to authorize the State of Oregon, or the Fish Commissioners thereof, to so construct, maintain or operate the said fish hatcheries in or upon any river or stream in the Territory of Idaho, so as to interfere in any manner with any person or persons, company or corporation, in taking said water out or from any such river or stream, for the purpose of placer or quartz mining with any placer or quartz mines that has heretofore been discovered, worked or mined, or with any placer or quartz mine that may or shall be hereafter discovered, worked or mined.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

BOUNDARY LINE OF IDAHO COUNTY.

AN ACT

TO DEFINE THE BOUNDARY LINE OF IDAHO COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

SECTION 1. The boundaries of the County of Idaho shall hereafter be as follows:

Commencing at the junction of Salmon River with Snake River, thence up the center of the channel of Salmon River to the mouth of Deep Creek, thence up the center of the channel of Deep Creek to the mouth of the Right Fork of Deep Ceek, thence up the center of the channel of the Right Fork of Deep Creek to the point where the township line between Range one and two west of the Boise Meridian crosses Deep Creek, thence due north along said township line to a point where the said line crosses Willow Creek, thence down the middle of the channel of Willow Creek to its junction with Lawyers Canon, thence down the middle of the channel of Lawyers Canon to its junction with Clearwater River, thence down the middle of the channel of the Clearwater River to the mouth of the Lolo Fork of the Clearwater River, thence up the middle of the channel of the Lolo Fork of the Clearwater to the summit of the Bitter Root Mountains, thence southeasterly and southerly following the present defined boundary line between the Territories of Idaho and Montana to the northwest corner of Lemhi County, thence south to the present line of Custer County, thence southwesterly along the present line between Idaho and Custer Counties to the present line of Boise County, thence along the present line between Idaho and Boise Counties to the east line of Washington County, thence following the present line between Idaho and Washington Counties to Snake River, thence following the middle of the channel of Snake River to the place of beginning.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

IDAHO INSANE ASYLUM.

AN ACT

TO APPROPRIATE CERTAIN MONEYS FOR THE IMPROVEMENT OF THE IDAHO INSANE ASYLUM.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the sum of fifteen thousand dollars be and is hereby appropriated, out of any funds in the Territorial Treasury not otherwise appropriated, for the purpose of making improvements on the buildings and grounds of the Idaho Insane Asylum; said improvements to consist of the following items, to wit: permanent sewer-system; additional buildings for separate day-rooms, dining room and single sleeping rooms; mortuary house for the remains of the dead before burial; laundry house; pig house; chicken house; wood house; ice house; barns for animals, wagons and farming implements; water tank enclosed; fire-proof cut-off in main building; screen enclosed corridors

on sides of building; screen guards on windows; screen transoms over bedroom doors; frost-proof cellars for storing vegetables; fruit trees for orchard.

SEC. 2. The Board of Directors are hereby directed to make the improvements enumerated in Section 1 of this act, at as early a day as practicable.

They shall advertise for bids for all material to be furnished and all work to be done, and shall award the contract to the lowest responsible bidder, but they shall reserve the right to reject any or all bids.

In all expenditures made under this act, they shall be governed by Section 753 of the Revised Statutes.

Provided, That the amount expended for the improvements enumerated in Section 1 of this act shall not exceed the sum of fifteen thousand dollars ($15,000).

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

ANNEXATION FOR SCHOOL PURPOSES.

AN ACT

TO ANNEX A PORTION OF NEZ PERCE COUNTY TO LATAH COUNTY FOR SCHOOL PURPOSES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That all that portion of Nez Perce County lying within the following boundaries, to wit: Commencing at the northwest corner of the Nez Perce Indian Reservation and running thence along the north line of said Indian Reservation to where said line intersects the Latah County line, thence west along the south line of Latah County to where a prolongation of the west line of said Indian Reservation would intersect the Latah County line, thence south to the place of beginning, be and the same is hereby annexed to Latah County, for school purposes only. That said above described territory shall be annexed to such school district or districts of Latah County, as border on said territory.

SEC. 2. That in distributing the public school money, the district or districts shall be entitled to receive from the public school moneys of Latah County, their full share of public money as other school districts; the *per capita* portion of the public money, however, to be distributed only in the number of children in Latah County in said school district or districts. Said school district or districts shall receive from the public school moneys of Nez Perce County the full amount of money that the children in said county, in said school district or districts, are entitled to draw *per capita*, and one half of the amount of money

from the school fund of said county that any district in said county is entitled to draw from the portion of the school fund distributed equally among all the districts.

SEC. 3. That for public school purposes *only* said district or districts shall be under the jurisdiction of Latah County, and the money coming to said district or districts from Nez Perce County shall be subject to the order of the County School Superintendent of Latah County, for the use of said district or districts.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

RELIEF OF MRS. MICHAEL McMAHON.

AN ACT

FOR THE RELIEF OF MRS. MICHAEL McMAHON.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the sum of nine hundred dollars is hereby appropriated out of the Territorial Treasury to be paid to Mrs. Michael McMahon in full satisfaction of all claims by her against the Territory of Idaho, on account of services rendered and expenses incurred by the late Michael McMahon during his lifetime in the pursuit and capture of escaped Territorial prisoners, in March, A. D. 1883, and for property stolen by said prisoners.

SEC. 2. The Territorial Comptroller is hereby authorized and directed to draw his warrant on the Territorial Treasurer in favor of said Mrs. Michael McMahon for said sum of nine hundred dollars, and the Territorial Treasurer is hereby authorized and directed to pay said warrant out of any moneys in the Territorial Treasury not otherwise appropriated.

SEC. 3. Said money when so paid to Mrs. Michael McMahon, shall be her separate estate and property and not subject to claims against the estate of said Michael McMahon deceased.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

TO PAY FOR PRINTING REPORTS.

AN ACT

TO PAY FOR PRINTING THE REPORTS OF THE TERRITORIAL OFFICERS.

Be it enacted by the Legislative Assembly of the Territory of Idaho:

SECTION 1. That the sum of seven hundred and forty-four dollars and fifty-eight cents be and is hereby appropriated out of any money in the Territorial Treasury to pay Milton Kelly for printing the report of the Territorial Superintendent of Public Instruction, the report of the Territorial Controller, and the report of the Territorial Treasurer for the years eighteen hundred eighty-two and eighteen hundred eighty-three, also for printing the report of the Territorial Controller for the years eighteen hundred eighty-seven and eighteen hundred and eighty-eight, and for printing five hundred copies of the Governor's message for the Fifteenth Legislative Assembly of Idaho Territory, and the Territorial Controller is authorized and directed to draw his warrant on the Territorial Treasurer in favor of Milton Kelly for said sum of seven hundred and forty-four dollars and fifty-eight cents, and the Territorial Treasurer is directed and required to pay the same out of any money in the Territorial Treasury not otherwise appropriated.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 7, 1889.

PROPERTY OF TELEGRAPH AND TELEPHONE COMPANIES.

AN ACT

TO PROTECT THE PROPERTY OF TELEGRAPH AND TELEPHONE COMPANIES.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That any person who shall wilfully cut down or burn, or otherwise materially injure any telegraph, telephone, or electric light pole, or shall shoot so as to materially injure any insulator, or knock said insulator loose from the pole to which it is attached or otherwise materially injure such insulator, or who shall shoot any telegraph, telephone or electric light wire, thereby breaking said wire, or who shall otherwise wilfully cut, break, or injure such wire shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars, and in case of failure to pay such fine, shall be

imprisoned in the county jail, one day for every two dollars of such fine.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

INVESTING GENERAL SCHOOL FUND.

AN ACT

TO INVEST THE MONEY IN THE TERRITORIAL GENERAL SCHOOL FUND OF IDAHO TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. At any time when the Controller of this Territory is drawing warrants on the General Fund to pay for care and maintenance of Territorial prisoners, and there is money on hand in the Territorial General School Fund, the Territorial Controller is hereby authorized and directed to draw such General Fund warrants, in favor of the Territorial General School Fund until said School Fund is exhausted, and the Territorial Treasurer is hereby directed to pay the face of said warrants out of the Territorial General School Fund which warrants shall be held by said Treasurer until redeemed, when the principal and interest accruing from said warrants shall be returned to the Territorial General School Fund.

SEC. 2. In case any legal demands are made on the Territorial General School Fund, for any portion of the money in said fund, while the same is so invested, the Territorial Controller is hereby authorized to draw his warrants on the General Fund, in payment of such demands, and the Territorial Treasurer is hereby directed to pay the same out of any moneys not otherwise appropriated, which money shall be refunded to the General Fund, upon the redemption of the warrants held by the Treasurer, and drawn in favor of the Territorial General School Fund.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved February 7, 1889.

WASHINGTON COUNTY SEAT.

AN ACT

TO PROVIDE FOR THE RE-LOCATION OF THE COUNTY SEAT OF WASHINGTON CO.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. A special election shall be held in the County of Washington, on the first Monday in June, A. D. one thousand eight hundred and eighty-nine (1889), which special election shall be conducted in the manner and be governed by the laws relating to general elections.

SEC. 2. At said special election the question of the permanent location of the county seat of Washington County, shall be submitted to and be voted upon by the qualified voters therein. The words "For County Seat" shall be written or printed on the ballot, and the town, or place desired by the voter, shall be written or printed opposite, or under the words above mentioned and required.

SEC. 3. In canvassing the vote on the location of the county seat, ballots shall not be rejected because of any error in orthography or informality therein, if it can be clearly ascertained from the ballot what was intended by the voter; but where two or more ballots are folded together they shall not be counted, and, upon the canvass of the vote by the Board of County Commissioners, the town or place receiving the highest number of votes shall be, and is hereby established and confirmed as the permanent county seat of Washington County.

SEC. 4. The County Commissioners of said county shall cause notice to be posted in the manner provided in the general election laws of this Territory. They shall cause suitable poll-books and returns to be prepared and furnished to the judges of election of the several precincts in said county. They shall appoint judges of election at their regular session, in April, A. D. one thousand eight hundred and eighty-nine, for all the precincts in said county, as required in a general election.

And on the second Monday in June, A. D. one thousand eight hundred and eighty-nine (1889), they shall meet at the county seat of said county, and act as a Board of Canvassers, and declare the result of said special election, and if it shall be ascertained by such canvass that any town or place has received a plurality of the votes cast, such town or place is hereby declared to be the legally established county seat of Washington County.

SEC. 5. In case it shall be ascertained by said canvass of votes that the county seat is removed from the town of Weiser to any other town or place, it shall be the duty of the County Commissioners of said county to cause the archives, records and funds of said county to be removed to the town or place chosen, within ninety days after the

result of said special election shall have been ascertained. They shall rent, or otherwise secure, suitable buildings or rooms for the use of the county officers, and for the preservation of the records, archives and moneys of said county.

SEC. 6. This act shall take effect and be in force from and after its passage and ratification by the Congress of the United States.

Approved February 7, 1889.

FOR RELIEF OF JOHN EARLY AND E. PINKHAM.

AN ACT

FOR THE RELIEF OF JOHN EARLY, A. C. GIRARD AND E. PINKHAM.

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

SECTION 1. That the sum of ninety dollars be and the same is hereby appropriated out of any money not otherwise appropriated to pay John Early, A. C. Girard and E. Pinkham for services rendered the Territory of Idaho as Live Stock Commissioners in examining and reporting on several bands of stock said to have contagious diseases and reporting to the Legislative Assembly by authority of the Governor.

SEC. 2. The Territorial Controller is hereby authorized to draw his warrant on the Territorial Treasurer for ninety dollars in favor of said John Early, A. C. Girard and E. Pinkham, and the Territorial Treasurer is hereby authorized to pay the same out of any money in the Territorial Treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

CAPITOL GROUNDS.

AN ACT

TO AUTHORIZE THE ENCLOSURE AND IMPROVEMENT OF THE CAPITOL GROUNDS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. That the Governor is authorized to nominate, and by and with the advice and consent of the Legislative Council, to appoint a Board of four Capitol Commissioners who shall act without compensation from the Territory, and who shall not be directly or indirectly or in any way interested in any contract, work, labor or materials made, done, performed, purchased or furnished, under or by virtue of, or in

the construction or prosecution of any improvements or work made or done under, or authorized by, this act. And the Governor may fill any vacancy in said Board that may occur during the recess of the Legislative Assembly and before the purposes of this act have been carried out.

SEC. 2. Said Board shall enclose the Capitol Square with a good iron fence equal in quality, weight and strength to the fence represented by the cut attached to the plat and estimates submitted to the Joint Committee of the Legislative Assembly and now in their possession; said fence shall be set on a stone coping and shall have gates and posts substantially as shown by said plat and estimates and shall be well painted after it is set; and said Board shall lay off and construct cement walks (laid on concrete and equal to the sidewalk around the business house of Peter Sonna on Ninth and Main Streets in Boise City) from the several gates to the Capitol Building and around the Building in such a manner as to protect its foundation from irrigation, and a like walk on Jefferson, State and Sixth Streets around said square all substantially as represented by said plat and specifications; and shall survey, grade and improve the Capitol Grounds and plant ornamental trees, shrubs and grass therein, and shall place water pipes for conducting water under said walks and procure twelve hydrants and hose and four rotary fountains for sprinkling said grounds, all substantially as set forth and shown by said plat and specifications. Said plat and specifications shall be filed by said Committee with the Territorial Controller, and be by him preserved.

SEC. 3. For the purpose of making said improvements the sum of fourteen thousand six hundred and thirty dollars, or so much thereof as may be necessary, is hereby appropriated out of the Territorial Treasury.

SEC. 4. All contracts for work and materials shall be let to the lowest competent and responsible bidder after ten days public notice published in two newspapers in the Territory; and said Board may require adequate bonds or other security from all bidders and contractors, and may reject any and all bids if, in their judgment, they are too high; but said Board may, when they deem it for the best interests of the Territory, have any part of said work done by day's labor, and may purchase the iron fence, cement and other materials from the manufacturers or dealers.

SEC. 5. All disbursements made by said Board shall, with the proper vouchers showing the amount and object of the expenditure, and to whom due, be presented to, and, if correct and authorized by this act, shall be audited by, the Territorial Controller, who shall draw his warrant for the same upon the Territorial Treasurer, who shall pay the same out of any moneys in the Treasury not otherwise appropriated. But said Board shall not make any expenditure or incur any indebtedness or in any way bind the Territory in any larger or greater amount than is above appropriated.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

BOARD OF COUNTY COMMISSIONERS.

AN ACT

TO AMEND SECTION 1785 OF TITLE ELEVEN, CHAPTER TWO, OF THE REVISED STATUTES RELATING TO THE BOARD OF COUNTY COMMISSIONERS.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

SECTION 1. Section 1785 is hereby amended to read as follows:

SEC. 1785. The Board of Commissioners may grant to any county officer of their respective counties (except the Probate Judge of such county) leave of absence from their county and the Territory, for a period not exceeding ninety days, during which time the absence of such officer does not work forfeiture of his office; *Provided*, that before the granting of such leave of absence, the officer (except County Commissioners) must appoint a deputy to perform the duties of his office, as by Statute in such cases made and provided, and must present to, and file with, the Board of Commissioners of his county the written consent of each person liable on his official bond, that such leave of absence be granted; *And be it further provided*, that no leave of absence shall be granted to more than any one County Commissioner at the same time.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1889.

POSTAGE STAMPS AND WRAPPERS.

COUNCIL JOINT RESOLUTION NO. 1.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the Sergeant-at-Arms of the House of Representatives and the Sergeant-at-Arms of the Council be directed to procure, for the use of the respective members of the 15th Session of the Legislative Assembly of Idaho Territory, postage stamps and wrappers of such denominations as may be requested, and of the value of five dollars to each member.

And the Territorial Controller is hereby directed to draw his warrant on the Territorial Treasurer in favor of such Sergeants-at-Arms for the sum of one hundred and eighty dollars ($180.00) out of any moneys in the Territorial Treasury not otherwise appropriated, and the Territorial Treasurer is hereby directed to pay said warrant.

Approved January 3, 1889.

EXPENSES OF COMMITTEE ON PUBLIC INSTITUTIONS.

COUNCIL JOINT RESOLUTION NO. 4.

APPROPRIATING MONEY TO PAY EXPENSES OF COMMITTEE ON PUBLIC INSTITUTIONS.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

1st. That the sum of two hundred and twenty-nine and fifty one-hundredths dollars be and the same is hereby appropriated out of any money in the Territorial Treasury not otherwise appropriated, to pay the expenses incurred and mileage of Joint Committee on Public Institutions, in visiting and examining Territorial Insane Asylum, at Blackfoot, in Bingham County.

2nd. That the Territorial Controller is hereby authorized to draw his warrant on the Territorial Treasurer for the sum of thirty-eight and twenty-five one-hundredths dollars in favor of J. N. Ireland, for the sum of thirty-eight and twenty-five one-hundredths dollars in favor of Ed. Jewell, for the sum of thirty-eight and twenty-five one-hundredths dollars in favor of W. J. Brigham, for the sum of thirty-eight and twenty-five one-hundredths dollars in favor of D. L. Badley, for the sum of thirty-eight and twenty-five one hundredths dollars in favor of I. C. Sargent, and for the sum of thirty-eight and twenty-five one-hundredths dollars in favor of I. S. Warring.

Approved January 25, 1889.

APPROPRIATION TO JAMES M. HARRIS, SHERIFF.

COUNCIL JOINT RESOLUTION NO. 2.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the sum of three hundred and fifty-six dollars be appropriated out of any moneys in the Territorial Treasury, not otherwise appropriated, to James M. Harris, Sheriff of Yellow Stone County, Montana Territory, for the arrest, capture and return of one William C. Jackson, an escaped convict from the Penitentiary of Idaho Territory.

And the Territorial Controller is hereby authorized and directed to draw his warrant on the Territorial Treasurer, in favor of said James M. Harris for the sum of three hundred and fifty-six dollars.

And the Territorial Treasurer is hereby authorized and required to pay the same out of any moneys in the Territorial Treasury not otherwise appropriated.

Approved January 28, 1889.

COMPENSATION TO ENGINEER CARTWRIGHT.

HOUSE JOINT RESOLUTION NO. 3.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the sum of sixty dollars be and is hereby appropriated of any moneys in the Territorial Treasury, not otherwise appropriated, to W. R. Cartwright as compensation for services rendered to the 15th Legislative Assembly as Engineer in warming the Council Chambers and Hall of the House of Representatives, and the Territorial Controller is hereby authorized and directed to draw his warrant on the Territorial Treasurer in favor of said W. R. Cartwright for the sum of sixty dollars, and the Territorial Treasurer is hereby authorized and required to pay the same out of any moneys in the Territorial Treasury not otherwise appropriated.

Approved February 5, 1889.

PRINTING GOVERNOR'S ANNUAL REPORT.

COUNCIL JOINT RESOLUTION NO. 5.

RELATIVE TO PRINTING THE GOVERNOR'S ANNUAL REPORT TO THE HON. SECRETARY OF THE INTERIOR.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the sum of one hundred and four dollars and fifteen cents is hereby appropriated to pay the cost of printing three thousand copies of the Governor's Annual Report to the Secretary of the Interior, for 1888; and the Controller is authorized and directed to draw his warrant on the Treasurer, in favor of the Governor, for the amount; and the Treasurer is directed to pay the same out of any moneys not otherwise appropriated; and the Governor is authorized and directed to deposit the same with the United States Depository in Boise City, to the credit of the "Appropriation for Printing and Binding Allotment for the Department of the Interior, for the fiscal year 1888–1889."

Approved February 5, 1889.

PRINTING REPORT OF SUPERINTENDENT OF PUBLIC SCHOOLS.

COUNCIL JOINT RESOLUTION NO. 6.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the sum of one hundred dollars be appropriated out of any moneys in the Territorial Treasury, not otherwise appropriated, in payment for printing five hundred (500) copies of the "Report of the Superintendent of Public Instruction," and for express charges on the same, and the Territorial Comptroller is hereby authorized to draw his warrant on the Territorial Treasurer in favor of Steunenberg Bros. for the said amount, and the Territorial Treasurer is directed to pay the same.

Approved Feburary 7, 1889.

COMPENSATION OF PRIVATE SECRETARY.

COUNCIL JOINT RESOLUTION NO. 7.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the Territoral Controller be, and is hereby authorized to draw his warrant in favor of Charles C. Stevenson for the sum of two hundred and forty dollars, to be paid out of any moneys in the Territorial Treasury, not otherwise appropriated, for compensation as Private Secretary to His Excellency Governor E. A. Stevenson.

Approved February 7, 1889.

CONTRACT FOR TELEPHONES.

COUNCIL JOINT RESOLUTION NO. 8.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the Territorial Secretary is hereby authorized to contract with the Rocky Mountain Bell Telephone Company for two (2) telephones, one to be placed in the Governor's office, the other to be placed in the main hall of the Capitol Building. Said telephone company shall be required to connect the last mentioned telephone with all the Territorial offices in said Capitol Building with extension signal bells. Said contract shall run for two years, at a rental price of twelve dollars per month for both of said telephones and for said extension bells, and the

sum of two hundred and eighty-eight ($288) dollars is hereby appropriated out of the Territorial Treasury for said purpose. The rental price for said telephones and extension bells shall be paid quarterly; the accounts therefor shall be presented and audited like other accounts against the Territory, and when properly audited the Territorial Controller is authorized and directed to draw his warrant on the Treasurer, and the Treasurer is directed to pay the same out of any funds in the Territorial Treasury, not otherwise appropriated.

Approved February 7, 1889.

APPROPRIATION TO NEWSPAPERS FOR SERVICES.

COUNCIL JOINT RESOLUTION NO. 9.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the sum of one hundred dollars, and the same is hereby appropriated out of any moneys in the Territorial Treasury, not otherwise appropriated, to be divided equally, and paid to the following newspapers published in this Territory, for services rendered the Territory in the publication of the Governor's Election Proclamation for thirty days preceding the general election in 1888, as follows: The Idaho *Enterprise*, Weekly *News*, Haily *Times*, Ketchum *Keystone*, Cœur d'Alene *Record; Free Press;* Idaho *Democrat*, and Weiser *Leader;* and the Territorial Controller is hereby directed to draw his warrant on the Territorial Treasurer, and the Territorial Treasurer is hereby required to pay said warrant out of any money in the Territorial Treasury, not otherwise appropriated.

Approved February 7, 1889.

LAWS AND JOURNALS.

HOUSE JOINT RESOLUTION NO. 6.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the Secretary of the Territory be and he is hereby required to forward, by mail or otherwise, to the members of the Fifteenth Legislative Assembly, one copy each of the laws and journals passed at the present session thereof, as soon as the same shall have been printed and received at his office for distribution; also, to forward to each State and Territorial Library, the Departments of the Government at Washington, Territorial and County Officers, and the Judges

of the Supreme Court of the Territory of Idaho, one copy each of said printed laws.

To carry into effect the objects intended by this resolution, the Controller of Idaho is hereby directed to provide the Secretary of the Territory with the necessary postage stamps to transmit the same as herein directed.

This act shall be in force from and after its passage.

Approved February 7, 1889.

PAY OF STENOGRAPHER.

HOUSE JOINT RESOLUTION NO. 7.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the sum of fifty (50) dollars be and hereby is appropriated out of any moneys in the Territorial Treasury, not otherwise appropriated, to T. S. Potter for services rendered as Stenographer for a period of five days for the Committee on Privileges and Elections, and also for five days' labor as Clerk for Special Investigation Committee of the House of Representatives.

And the Territorial Controller is hereby authorized and directed to draw his warrant on the Territorial Treasurer for the sum of fifty (50) dollars in favor of T. S. Potter, and the Territorial Treasurer is hereby authorized and required to pay the same.

This resolution shall be in effect from and after its passage.

Approved February 7, 1889.

SERVICES OF CLERK C. H. REED.

HOUSE JOINT RESOLUTION NO. 8.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

That the sum of fifty (50) dollars be appropriated out of any moneys in the Territorial Treasury to Charles H. Reed for services as Clerk for the Finance Committee of the Council, and the Ways and Means Committee of the House of Representatives, of the Fifteenth Session of the Idaho Legislature.

And the Territorial Controller is hereby authorized and directed to draw his warrant on the Territorial Treasurer, for the said sum of fifty dollars, in favor of Charles H. Reed, and the Territorial Treasurer is hereby authorized and required to pay the same out of any moneys in the Territorial Treasury not otherwise appropriated.

This resolution shall be in effect from and after its passage.

Approved February 7, 1889.

ROCKY MOUNTAIN BELL TELEPHONE.

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 1.

WHEREAS, the local manager of the Rocky Mountain Bell Telephone Company has kindly offered to place two complete sets of instruments, one in the Council Chamber and the other in the House of Representatives, for the use of the members and attaches of the present session of the Legislative Assembly free of charge:

Therefore, resolved by the Council, the House of Representatives concurring therein, as follows:

That we accept the generous and courteous proposition of the Local Manager, and tender him the thanks of the Legislature for the same.

COMMITTEE ON CAPITOL BUILDINGS AND GROUNDS.

COUNCIL CONCURRENT RESOLUTION NO. 1.

Resolved, by the Council, the House of Representatives concurring, that a Special Committee of two from the Council and three from the House be appointed on Capitol Buildings and Grounds.

INDIAN WAR CLAIMS.

MEMORIAL PRAYING FOR SETTLEMENT OF INDIAN WAR CLAIMS OF 1877-78 AND '79.

To the Senate and House of Representatives of the United States of America in Congress Assembled.

Your Memorialists, the Legislative Assembly of the Territory of Idaho, would respectfully represent:

That the persevering energy of the early pioneers, who came to this Territory for the purpose of making homes is deserving of just recognition on the part of our Government.

That your Memorialists, the Legislative Assembly of this Territory, respectfully call the attention of Congress to the injustice that has been done in the long delay of payment of just claims of our citizens, growing out of the Nez Perce Indian War of 1877, and the Bannock Indian War of 1878 and 1879.

That while the General Government has recognized its liability for the expenses of said wars, its failure to pay just compensation for services rendered, and for losses sustained, has caused a lasting injury, the effects of which are still manifest on those and their descendants who suffered losses by such war, or who assisted in quelling it.

Wherefore your Memorialists respectfully pray your Honorable Body, in the name of justice to the pioneers and to the veterans of the aforesaid wars, that the claims for services and losses be audited and paid; and that such other and further relief be ordered, as may seem fit to those who bore westward the banner of civilization.

The Territorial Secretary is hereby directed to forward one copy of this Memorial to Hon. Fred. T. Dubois, our Delegate in Congress, and one to the Secretary of the U. S. Senate.

AMENDMENT TO ALIEN ACT.

COUNCIL JOINT MEMORIAL NO. 2.

Memorial to the House of Representatives for passage of Senate Bill amending Alien Act, so as to except mines from its provisions.

The Legislative Assembly of the Territory of Idaho, most respectfully memorializes the Honorable, the House of Representatives of the Congress of the United States, and most earnestly prays that the Honorable, the House of Representatives, immediately pass Senate Bill 1176 "To Authorize the Sale to Aliens of certain Mineral Lands," being a bill to amend "An act to restrict the ownership of real estate in the Territories to American Citizens, and so forth," approved March 3, 1887, so as to except mines from its provisions, which Bill passed the U. S. Senate April 10, 1888, and is now pending in the House of Representatives, having been favorably reported on by the House Committee on Public Lands, July 24, 1888. (See House Report No. 3014, 50th Congress.) And its passage with amendments recommended for good and sufficient reasons ably set forth in said report.

Your Memorialists respectfully state: That the immediate passage of said amendatory act is of the greatest importance to the people of Idaho and her sister Territories, because said Alien Land Act has kept, and is keeping, a very large amount of foreign capital from being invested in mines in the Territories, at least between two and three millions of dollars in Idaho alone since its passage, and has worked, and is working, very great and serious injury to a struggling pioneer people, who greatly need, and must have, help and capital from every quarter, to successfully open and work their mines. The progress and advance of Idaho has been materially hindered by the shutting off the influx of foreign capital, a large number of foreign mining enterprises having been broken up, and several mining camps ruined. Said Alien Land Act has been a very grave mistake, so far as mining property is concerned. The employment of foreign capital in our mines has not led, and can not lead, to any permanent holding of real estate by foreigners,

because a mining claim is small in area, never exceeding 1,500 feet in length by 600 feet in width; and veins or lodes are usually found at great distances from each other, and no considerable holding of the public lands can ever be had under the existing mining laws; and mines are found in land, mountainous and rocky, useless for any other than mining purposes, and they do not increase in value by the lapse of time, for the mineral being continually extracted, they in time become exhausted and worthless, mere abandoned holes in the ground; hence mining lands are entirely different from agricultural lands, and the same reasons do not exist to prevent their acquisition by foreigners. The opening and working of mines promotes the settlement of the agricultural lands, by furnishing a home market.

The leading industry of the Territory is mining, and all other industries are tributary to it, and prosper or languish as it does.

There are few mines but what require an extensive outlay at the very start, hence large capital is absolutely necessary to open and work mines, and as the risks are great, the markets of the world should be open to mining enterprises in the Territories.

Now, only a few of our very richest mines are being worked, and there is a large number, at least three fourths of our mines, that are lying idle for lack of capital, the owners being too poor to work them. Our mining industry is languishing for need of the necessary capital, which can not be obtained in the United States because capital commands a rate of interest, on safe security, too high to induce its generous outlay in hazardous mining enterprises. Foreign capital will take greater risks, for abroad money is more abundant, interest low, and there are fewer openings for investment; money goes begging. A hundred dollars is put into mining enterprises in London to where one dollar is put in in New York.

The Alien Land Act is unjust in discriminating against the Territories in favor of the States, denying rights and privileges to our people that are freely enjoyed by neighboring and adjoining States. We believe the enactment of the Alien Act, not excepting mines from its provisions, was a mistake and an oversight, its effect not understood at the time, and, as the Senate has rectified that error, we pray that the House do likewise. Congress should in every way encourage and foster the poor and struggling pioneer people of the Territories by legislation not against but in favor of their interests, progress and prosperity, and ought, therefore, to correct and repair at once the harm and injury done and being done to the people of the Territories by the Alien Land Act, by the quick passage of the said Senate Amendatory Act. And for which your Memorialists will ever most respectfully but earnestly pray.

That the Governor and Secretary of the Territory are hereby requested, immediately upon the passage hereof, to transmit a certified copy of this memorial to our Delegate, Hon. Fred. T. Dubois, who is hereby requested upon its receipt to present the same to the Honorable, the House of Representatives, and urge by all means in his power the passage of the said Senate Amendatory Act.

MEMORIAL TO CONGRESS TO GRANT CERTAIN LANDS.

COUNCIL JOINT MEMORIAL NO. 3.

MEMORIALIZING CONGRESS TO GRANT CERTAIN LANDS TO THE BINGHAM COUNTY AGRICULTURAL ASSOCIATION.

To the Senate and House of Representatives of the United States of America in Congress Assembled.

Your Memorialists, the Legislative Assembly of Idaho Territory, would most respectfully represent, that the Bingham County Agricultural Association in the County of Bingham, Territory of Idaho, is an organization having for its object the encouragement of the development and improvement of the agricultural and stock-growing interests in that portion of Idaho Territory, thus contributing to the permanent settlement of the unoccupied public lands and the reclamation of the desert lands.

And would further represent that said Association in pursuance of its object has made an outlay of about five thousand dollars in building and improving a tract of desert land adjacent to the Town of Eagle Rock in said Bingham County.

And your Memorialists most humbly ask that your Honorable Body grant the said tract of land to the above named Association for the purposes and objects hereinbefore mentioned.

The lands referred to and now occupied by the said Association are described as follows, to wit:

The east half of southeast quarter and southwest quarter of southeast quarter and Lot one of Section twenty-five (25) of Township two (2), north of Range thirty-seven (37), east, all of Boise Meridian containing about one hundred and sixty acres.

And your Memorialists will ever pray.

The Governor and Secretary of the Territory are hereby requested to transmit a copy of this Memorial to Hon. Fred. T. Dubois, our Delegate in Congress, at as early a day as possible, that he may present it to the House of Representatives for their action.

MEMORIAL—MORMON CHURCH.

COUNCIL JOINT MEMORIAL NO. 4.

To the Honorable Senate and House of Representatives, Washington, D. C.

Your Memorialists, the Legislature of the Territory of Idaho, in regular session duly assembled, respectfully represent:

That the organization known as the Mormon Church teaches and practices, and maintains the right to teach and practice, polygamous or plural marriages.

That said organization teaches, practices and commands of its devotees, disobedience and defiance of the laws of the United States; and in several Territories of the United States, branches of this organization, through the machinery of its stringent secret workings, signs, grips and passwords, evade and live in utter disregard alike of the laws of the United States and of moral and public decency.

That said organization teaches and commands a first and absolute allegiance, in civil as well as in religious matters, to its leaders; that the edicts of these leaders are blindly obeyed, notwithstanding such orders are in open and direct conflict with Territorial laws, a menace to free government and in full contempt of the laws of Congress.

That these Territories can not be erected into great States and carry the burden of the harem and the concubine, with their attendant train of ignorance, vice, moral degradation and utter disregard for the laws and homes of America.

That said organization is rapidly colonizing the public lands in this and other Territories with families that are not, in spirit or in fact, citizens of the United States, and are thus attempting to build up commonwealths founded upon the lecherous teachings of Brigham Young and his "apostles," rather than upon those principles which constitute the foundation of our great States. Therefore be it

Resolved, that it is the sense of this Legislature that Congress shall require from all persons settling upon or seeking to obtain homes upon the public domain of the United States in any Territory an oath in substance as follows:

"I [name in full] do solemnly swear that I am a citizen of the United States of the age of twenty-one years, or the head of a family; that I am not a member of any order, organization or association which teaches, advises, counsels or encourages its members, devotees, or any other person or persons, to commit the crime of bigamy or polygamy, or any other crime defined by law, as a duty arising or resulting from membership in such order, organization or association, which practices bigamy or polygamy, or plural marriages in any form, as a doctrinal rite of such organization, or at all; that I do not, nor will I ever, publicly or privately, or in any manner, teach, advise, counsel, encourage, aid, support or assist in supporting any person to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a religious duty or otherwise; that I do regard the Constitution of the United States and the laws thereof, and the laws of the States and Territories of the Union, as interpreted by the courts, as the supreme law of the land, the teachings of any order, organization or association to the contrary notwithstanding, so help me God."

That such an oath, duly taken and preserved, would be a powerful obstacle in the pathway of the advancing hosts of this foreign, immoral and treasonable organization; and that said oath would be of incal-

culable value in preserving to the loyal and virtuous homes of America the public domain of the United States.

That the Secretary of this Territory forward a certified copy of this Memorial each to Idaho's Delegate in Congress, Hon. Fred. T. Dubois, and to the Secretary of the Senate of the United States.

MEMORIAL—DESERT LANDS—WELLS.

COUNCIL JOINT MEMORIAL NO. 5.

To the Honorable, the Senate and the House of Representatives of the United States.

Your Memorialists, the Legislative Assembly of the Territory of Idaho, respectfully represent:

That a large area of the lands in the Territory of Idaho are of the character known as desert lands, on which water can not be brought from rivers or streams by canals, and that they are utterly useless, either to the Government or to individuals in their present condition.

That they can be reclaimed and made very productive by irrigation.

That the only means of supplying said lands with water for such purposes is by sinking artesian wells thereon.

That could such water facilities be provided, said lands would be rapidly settled, and the growth, wealth and prosperity of the Territory of Idaho be promoted thereby.

Your Memorialists therefore respectfully pray that a sufficient appropriation be made by Congress to provide for the payment of the cost of sinking such artesian wells as may be deemed wise and expedient by Congress, for the purpose of affording such water facilities within the Territory of Idaho, to be expended as Congress may direct. And they will ever pray, etc.

The Secretary of the Territory is requested to forward a copy of this Memorial to the Secretary of the Interior and to our present Delegate to Congress, and Secretary of the United States Senate.

INDIAN RESERVATION.

MEMORIAL.

To the Senate and House of Representatives.

Your Memorialists, the Legislative Assembly of the Territory of Idaho, unanimously in both Houses, most respectfully represent:

That the Nez Perce Indian Reservation in Nez Perce, Idaho and Shoshone Counties contains 760,000 acres of the best land in the Territory and that said land is occupied by only 1,200 Indians. That said reservation contains valley and prairie land; that the Indians live in

their villages in the valleys along the water-courses on said reservation and that the prairie lands are not occupied by and are unfit for Indian inhabitants, while their settlement and cultivation by Caucasian citizens would enormously increase the population and taxable property of the said counties as well as of the Territory in general.

That said reservation occupies both sides of the Clearwater River, which is the natural outlet to 10,000 square miles of country on the western slope of the Bitter Root divide, access to which can only be had at present by crossing lofty mountains at great expense and inconvenience to the residents of said country.

That said Bitter Root slope is rich in mineral, timber, agricultural and pastoral resources, but owing to the difficulty of access it remains, and its resources, undeveloped, and that said country will never prosper until the lands not required or utilized by the Indians are thrown open to Caucasian occupation, and free access to the interior obtained by ascending the natural grades along the water-courses through said reservation.

Your Memorialists would further represent that under the treaty made with these Indians, stipulations were made by which the Indians could obtain twenty-acre tracts in severalty, and that many of them have already so located themselves and others would do so if the amount of land was increased to 160 acres.

That the feeling among said Indians is ripe for a trial of the severalty system among them, and that its extension to that tribe would be of incalculable benefit to the Indians themselves, to the counties bordering on said reservation, and to the Territory of Idaho and to the United States Government.

And we would further represent that the Nez Perce Indians are further advanced in the arts of civilization than any other tribe in the Northwest; that they are intelligent, industrious and peaceable. That they have abandoned their tribal relations, and have for many years lived without a chief. That they are good neighbors and have invariably been true and loyal friends to the whites and proved their loyalty by invaluable assistance during the Chief Joseph war of 1877. That they herd their stock in common with the whites under the laws of the Territory of Idaho, and the younger of them have learned to read and write under the excellent teaching of the worthy missionaries who have devoted their life work to the intellectual and moral advancement of the Indians.

That at Mt. Idaho, the county seat of Idaho County, bordering said reservation, an Indian school has been maintained, and for several years; and that the attendance of Indian pupils thereat has increased to such an extent that a special school and boarding house for their accommodation is now in process of construction in said town of Mt. Idaho.

That in view of the facts herein your petitioners would respectfully request your Honorable Bodies to take speedy measures looking to the extension of the severalty system over those Indians, as we believe such system will be beneficial to the Indians themselves as well as the Government, while the opening of the land which they can not use

would enormously stimulate the growth of the country adjoining said reservation, and relieve it of the incubus which now causes it to languish, through its best and most available lands being held, as it were, under lock and key.

Your Memorialists therefore pray that your Honorable Bodies will speedily take the necessary action toward extending the severalty system to the Indians on the Nez Perce Reservation. The Secretary is hereby requested to forward a copy of this Memorial to the President of the U. S. Senate and a copy to our Delegate in Congress, Hon. Fred T. Dubois.

ADJOURNMENT.

HOUSE CONCURRENT RESOLUTION NO. 2.

Resolved by the House of Representatives, the Council concurring therein, as follows:

That at the adjournment of the respective Houses of the Legislative Assembly of this Territory on Thursday, Dec. 20, 1888, at 4 o'clock P. M., they do adjourn to meet at 2 o'clock P. M. on Wednesday, January 2, 1889.

INVESTIGATION—CHOICE OF CLERK.

HOUSE CONCURRENT RESOLUTION NO. 3.

Be it resolved by the House of Representatives, the Council concurring:

That the Committee on Finance of the Council, and the Committee on Ways and Means of the House of Representatives, be instructed to make a thorough investigation into the condition of affairs in the office of the Territorial Controller and Treasurer, with power to send for persons and papers, and make their report at as early a day as possible, and if, in their opinion, a clerk be necessary, it shall be discretionary with the Committee as to choice.

REVISED STATUTES AND LAWS.

HOUSE CONCURRENT RESOLUTION NO. 4.

Resolved by the House of Representatives, the Council concurring therein, as follows:

That the Secretary of the Territory of Idaho is hereby directed to furnish to each member and to each Chief Clerk and Sergeant-at-arms of the Fifteenth Session of the Legislative Assembly of Idaho Territory, one copy of the Revised Statutes and one copy of the Special and Local Laws of Idaho Territory.

AGAINST THE ADMISSION OF UTAH.

HOUSE JOINT MEMORIAL NO. 1.

BY WHEELER.

Against the Admission of Utah as a State and Praying for the Appointment of a Legislative Commission.

HOUSE JOINT MEMORIAL NO. 1.

To the Honorable, the Senate and House of Representatives of the United States.

Your Memorialists, the Council and House of Representatives of the Legislative Assembly of the Territory of Idaho, most respectfully represent:

That the proposed admission of the Territory of Utah as a State would be a calamity not only to every loyal Gentile citizen of that Territory, but to the general public, and especially to those States and Territories adjacent to Utah.

That the admission of Utah would place the Government of the State directly in the hands of the leaders of the "Church of Jesus Christ of Latter Day Saints," commonly known as the Mormon Church—an organization treasonable in its teachings and practices to the United States Government.

That many of said leaders are now, and have been for months past, fugitives from justice and under indictment for crimes against the laws of the United States. Others are serving terms in the penitentiary for similar crimes.

That the members of this treasonable organization, known as the Mormon Church, largely outnumber the loyal Gentile citizens in said Territory, and consequently will, and for many years to come would, have absolute control of all elections therein.

That all pretenses of an abandonment of bigamy, polygamy, and other crimes against the laws of the United States, are pretenses only made for the purpose of deceiving persons unacquainted with the abhorrent practices of the Mormon Church, and thus create a feeling favorable to the proposed admission of said Territory of Utah.

That the turning over of a State Government to said Mormon Church or the leaders thereof, would be unsafe and impolitic, because said Church is composed by a large majority of the lowest and most densely ignorant classes of the Old World peasantry, who are in no way Americanized, and who have nothing in common with our aims or our republican institutions. They are serfs and serfs only—slaves to the most tyrannical and despotic organization in existence. They are absolutely under the control of their leaders, and the use of the ballot in their hands would be entirely under the direction of their leaders and a travesty on the elective franchise.

That there is no severance of Church and State in Utah, all reports to the contrary notwithstanding.

That the admission of Utah and the additional power thus given said Church would create a dangerous condition of affairs in Idaho, and would endanger the welfare of our social and moral institutions.

We, your Memorialists, would therefore respectfully pray that the Territory of Utah be not admitted as a State; and we do further pray that a Legislative Commission be created for the government of said Territory.

And your Memorialists will ever pray, etc.

And the Secretary of this Territory is hereby requested to cause a copy of said Memorial to be transmitted at once to the Secretary of the United States Senate, and to the Hon. Fred. T. Dubois for presentation in the House of Representatives.

THE OUTHWAITE BILL.

HOUSE JOINT MEMORIAL NO. 2.

PRAYING FOR THE PASSAGE OF THE "OUTHWAITE BILL."

To the Honorable, the House of Representatives of the United States.

Your Memorialists, the Council and House of Representatives of the Territory of Idaho, most respectfully represent:

That it is of great and pressing importance to all the interests of Idaho, that the Union Pacific Railway should extend its lines in this Territory, by the completion of those partly built, as well as by the early building of lines projected.

Therefore, we, your Memorialists, would respectfully but earnestly pray that your Honorable Body do immediately pass the "Outhwaite Bill" now pending in your Body; so that the said railway company may be enabled to enter upon this work, so vital to our development and prosperity.

And your Memorialists will ever pray, etc.

And the Secretary of the Territory is hereby requested to furnish a copy of this Memorial to the Hon. Fred. T. Dubois, for presentation in the House of Representatives.

THE YELLOW STONE NATIONAL PARK.

HOUSE JOINT MEMORIAL NO. 3.

TO THE CONGRESS, PRAYING THE ENLARGEMENT OF "YELLOW STONE NATIONAL PARK."

To the Honorable Senate and House of Representatives of the United States.

Your Memorialists, the Legislative Assembly of the Territory of Idaho, respectfully represent that the waters of Snake River in said Territory are indispensable to the inhabitants along the banks of said River, for the purposes of irrigation; that the sources of said river are chiefly in a tract of country situated adjoining the south line of "Yellow Stone National Park" and extending southerly for the distance of about forty miles; that this tract is largely covered by heavy forests of timber, which, by preventing the early melting of the snow-fall of that region, prolongs the water supply until late into the summer; also this section of country is the haunt and home of various species of game that have escaped the deadly rifle of the mountaineer; that with the hope of protecting the little that is left of such game and preserving the timber, as a protection to the water supply of said river.

Your Memorialists would therefore pray that the "Yellow Stone National Park" be enlarged by extending the south line thereof south of where it now is for the distance of forty miles and place this additional territory under the same laws and regulations now applicable to the National Park; and your Memorialists, as in duty bound, will ever pray.

BOISE CITY—INDEBTEDNESS—BONDS.

HOUSE JOINT MEMORIAL NO. 4.

To the Honorable, the Senate and House of Representatives of the United States.

Your Memorialists, the Legislative Assembly of the Territory of Idaho, most respectfully represent:

1st. That Boise City, the county seat of Ada County and Capital of Idaho Territory, has incurred an indebtedness, represented by outstanding warrants to the amount of forty thousand ($40,000) dollars, which said warrants are drawing interest at the rate of ten per cent. per annum.

2nd. That said Boise City is totally lacking in a sewerage system and water-works, and that her constantly increasing growth and advancement make the demand for the same imperative.

3rd. That your Memorialists have been informed and believe that a complete system of sewerage and water-works for said city can be

constructed and the present outstanding floating indebtedness funded for one hundred and fifty thousand ($150,000) dollars.

4th. That the present assessed valuation of property in said city is about eleven hundred thousand ($1,100,000) dollars, and that by reason of the limitation of municipal indebtedness in the Territories to four per cent. of such assessment by the act of Congress approved July 30, 1886, entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," no public improvements can be made, since the outstanding floating indebtedness has already reached that amount.

5th. That the actual value of assessable property in said city is fully treble the aforesaid assessed valuation, but the city authorities are powerless to raise said assessment, as the act of Congress referred to prescribes that the limitation of four per cent. shall be based upon the Territorial and County assessment, over which they have no control.

6th. That the City Council of said Boise City, at a meeting called specially for that purpose January 16, 1889, unanimously resolved to petition Congress for the passage of an act authorizing the aforesaid indebtedness, and your Memorialists believe the same represents the wish of the residents and property tax-payers of said city, and that your Memorialists are powerless to grant the desire thus expressed by the City Council and people of said city by reason of the limitation placed upon them by said Act of Congress.

Wherefore, your Memorialists respectfully pray, that as soon as may be, Congress pass a special act authorizing the lawfully constituted authorities of said Boise City to issue and negotiate interest-bearing coupon bonds to the amount of one hundred and fifty thousand ($150,000) dollars, bearing an annual rate of interest not to exceed six (6) per cent., and maturing at the rate of five thousand ($5,000) dollars annually commencing July 1, 1901, for the purpose of funding the outstanding floating indebtedness of said city, and making necessary public improvements.

And your Memorialists, as in duty bound, will ever pray.

The Secretary is requested to forward twenty-five printed copies of this Memorial to our Delegate in Congress.

INDIAN RESERVATION.

HOUSE JOINT MEMORIAL NO. 7.

To the Honorable Commissioner of Indian Affairs, Washington, D. C.:

Your Memorialists, the Legislature of Idaho, in regular session duly assembled, respectfully represent:

That the Cœur d'Alene Indian Reservation is situated on the eastern and western sides of Lake Cœur d'Alene, in Kootenai County, Idaho Territory.

That the Indians of this tribe are intelligent, industrious, and well advanced in the arts of civilization. That they now live and to a great

extent cultivate, that portion of said reservation lying west of Lake Cœur d'Alene and the Saint Joseph River, the same being adapted to farming and stock-raising, while at the same time furnishing ample territory for hunting, fishing, or other kinds of recreation peculiar to Indian life.

That the portion of said reservation lying east of Lake Cœur d'Alene, commencing at the northern boundary thereof, and extending along the east side of said lake to the Saint Joseph River on the south, is composed of mountains and gulches, generally covered with timber, and of no value to said Indians for agricultural or other purposes; nor is it used by them save for an occasional hunting excursion, or for the cutting of wood along the banks of the Cœur d'Alene River for supplying steamboats plying on said river.

That the mountains along the east side of said lake and in said reservation are known to contain large deposits of the precious metals, and our miners and prospectors only await the authority from Government to enter thereon and develop the same, to build up an extensive and prosperous mining district.

That said tract of country is not and can not be utilized by the Indians, nor would the opening of the same upon some plan, just and satisfactory to the Indians, work a hardship upon said tribe; wherefore be it

Resolved, that this Legislative Assembly request, and the Honorable Commissioner of Indian Affairs is hereby solicited, to investigate the matters and things herein set forth, and if found not to be inconsistent with the rights and interests of said tribe of Indians, that such action be at once taken as will open that portion of said reservation herein described to the industrial energy and enterprise of the Northwest.

That a certified copy of this Memorial be forwarded to Hon. Fred. T. Dubois, Delegate in Congress from Idaho.

CONTENTS.

PAGE

An act to amend title 4 of the Code of Civil Procedure relating to liens of laborers 1
An act to amend section 6079 of the Revised Statutes of Idaho relative to the mode of taking the testimony of witnesses 1
An act to repeal an act entitled "An act defining the duties and fixing the salary of the assessor of Nez Perce county," approved February 5, 1885 2
An act to repeal an act entitled "An act defining the duties and fixing the salary of the treasurer of Nez Perce county and for other purposes." 2
An act to repeal Section 571 of Special Laws of Idaho Territory relating to Custer county 3
An act to regulate the ages between which a person shall be liable for poll taxes, the time when they shall become delinquent and the exemption of certain classes 3
An act to provide for the appropriation of funds by Bingham county for the purpose of correcting the records of deeds and other records in said county 4
An act to amend subdivision 3 and subdivision 4 of section 1301 of the Revised Statutes relating to lawful fences 5
An act providing for the disposal of certain Territorial property known as the "Idaho Mineral Exhibit." 6
An act for the relief of Robert Larimer and others 6
An act relative to assessment insurance companies 7
An act to amend section 1815 of the Revised Statutes of the Territory of Idaho. 9
An act to amend section 1293 of the Political Code relating to the sale of poisons 9
An act to amend section 173 of the Revised Statutes and to authorize payment for the water supply furnished for the capitol building from October 1, 1886, to January 1, 1889 10
An act to amend title 2, chapter 12, of the Political Code of Idaho Territory ... 11
An act to remove the disqualifications of persons elected to the office of county superintendent of public schools 11
An act to authorize incorporated cities and towns in Idaho Territory to purchase land outside of their corporate limits for cemetery purposes 12
An act to amend section 5226, title 4, chapter 4, of the Revised Statutes of Idaho, relating to eminent domain 12
An act to amend section 2132 of the Revised Statutes relating to fees of county surveyors 14
An act to amend section 501, Revised Statutes of Idaho 14
An act to amend section 1828 of the Revised Statutes 16

PAGE.
An act to create a prison commission and to prescribe its powers and duties... 16
An act entitled an act to establish the University of Idaho..... 17
An act for the relief of E. R. Hawley, J. P. Campbell and John Hailey, Jr..... 21
An act to amend section 1 of an act entitled "An act to create and organize the county of Custer," approved January 8, 1881..... 22
An act regulating the use and carrying of deadly weapons in Idaho Territory. 23
An act relating to stallions offered for service in Idaho Territory..... 24
An act to provide for the appointment of a court stenographic reporter in each judicial district of Idaho Territory..... 25
An act to provide for a wagon road between Mt. Idaho, in Idaho county, and Little Salmon Meadows, in Washington county..... 26
An act to re-apportion the members of the Legislature of the Territory of Idaho..... 32
An act to amend article 8 of chapter 2 of the Revised Statutes relating to ob-tructions and injuries to highways..... 33
An act creating and organizing the counties of Elmore and Logan and defining the boundaries of Bingham and Alturas counties..... 33
An act to amend section 1553 of the Political Code relating to tax deeds..... 37
An act amendatory of and supplementary to an act entitled, an act to apportion the members of the Legislative Assembly of Territory of Idaho, approved February 6, 1889..... 37
An act to amend section 1298 E (Sec. 6), of the Revised Statutes of Idaho Territory..... 38
An act to amend sections 1341, 1343 and 1344, chapter 4 of the Revised Statutes of Idaho, relating to trespassing of hogs..... 38
An act to amend sections 2421, 2434, 2435, 2437 and 2440 of the Revised Statutes of Idaho, relating to the contract of marriage..... 40
An act to amend section 2682 of the Revised Statutes..... 41
An act to amend sections 7185, 7186, 7187, 7193, 7194 and 7197, Title 14, Chapter 1, of the Revised Statutes, relating to violations of game and fish laws..... 41
An act to suppress and prevent the dissemination of contagious or infectious diseases among domestic animals and to protect stock owners..... 43
An act to prevent the sale of cigarettes to minors, and for other purposes.... 49
An act authorizing the State of Oregon to erect, maintain and operate a hatchery in the Territory of Idaho..... 50
An act to define the boundary line of Idaho county..... 50
An act to appropriate certain moneys for the improvement of the Idaho Insane Asylum..... 51
An act to annex a portion of Nez Perce county to Latah county for school purposes..... 52
An act for the relief of Mrs. Michael McMahon..... 53
An act to pay for printing the reports of the Territorial Officers..... 54
An act to protect the property of telegraph and telephone companies..... 54
An act to invest the money in the Territorial General School Fund of Idaho Territory..... 55
An act to provide for the re-location of the county seat of Washington county. 56
An act for the relief of John Early, A. C. Girard and E. Pinkham..... 57

PAGE.
An act to authorize the enclosure and improvement of the capitol grounds... 57
An act to amend Section 1785 of Title eleven, Chapter two, of the Revised Statutes relating to the Board of County Commissioners..... 59
Council Joint Resolution No. 1,
Postage stamps and wrappers..... 59
House Joint Resolution No. 4,
Appropriating money to pay expenses of Committee on Public Institutions..... 60
Council Joint Resolution No. 2,
Appropriation to James M. Harris, Sheriff..... 60
House Joint Resolution No. 3,
Compensation to Engineer Cartwright..... 61
Council Joint Resolution No 5,
Relative to printing the Governor's Annual Report to the Hon. Secretary of the Interior..... 61
Council Joint Resolution No. 6,
Printing Report of Superintendent of Public Schools..... 62
Council Joint Resolution No. 7,
Compensation of Private Secretary..... 62
Council Joint Resolution No. 8,
Contract for telephones..... 62
Council Joint Resolution No. 9,
Appropriation to newspapers for services..... 63
House Joint Resolution No. 6,
Laws and Journals..... 63
House Joint Resolution No. 7,
Pay of Stenographer..... 64
House Joint Resolution No. 8,
Services of Clerk, C. H. Reed..... 64
Substitute for House Concurrent Resolution No. 1,
Rocky Mountain Bell Telephone..... 65
Council Concurrent Resolution No. 1,
Committee on Capitol buildings and grounds..... 65
Memorial praying for settlement of Indian war claims of 1877-78 and '79... 65
Council Joint Memorial No. 2,
Amendment to Alien Act..... 66
Council Joint Memorial No. 3,
Memorializing Congress to grant certain lands to the Bingham County Agricultural Association..... 68
Council Joint Memorial No. 4,
Memorial—Mormon Church..... 68
Council Joint Memorial No. 5,
Memorial—Desert Lands—Wells..... 70
Memorial,
Indian Reservation..... 70
House Concurrent Resolution No. 2,
Adjournment..... 72

PAGE.

House Concurrent Resolution No. 3,
Investigation—Choice of Clerk 72
House Concurrent Resolution No. 4,
Revised Statutes and Laws 72
House Joint Memorial No. 1,
Against the Admission of Utah 73
House Joint Memorial No. 2,
Praying for the passage of the "Outhwaite Bill." 74
House Joint Memorial No. 3,
To the Congress, praying the enlargement of "Yellow Stone National Park." 75
House Joint Memorial No. 4,
Boise City—Indebtedness—Bonds 75
House Joint Memorial No. 7,
Indian Reservation 76

INDEX.

A

PAGE.

ALTURAS COUNTY—
division of 33
AMENDMENTS—
CODE OF CIVIL PROCEDURE.
title 4, liens of laborers 1
CUSTER COUNTY.
an act to create and organize, approved January 8, 1881 22
POLITICAL CODE.
title 2, chapter 12 11
SECTIONS.
1553, relating to tax deeds 37
1293, sale of poisons 9
REVISED STATUTES.
118 and 119, re-apportionment of members of Legislature 32
118, amendatory of the law adjusting the 37
173, water supply for the capitol building 10
501, oath of office 14
1298 E (Sec. 6), surgery 38
1301, sub. 3 and 4, lawful fences 5
1341–43–44, trespassing of hogs 38
1785, title 11, chapter 2, relating to county commissioners 59
1815, appointment of deputies by county officers 9
1828, sub. 7, bonds of assessors 16
2132, fees of county surveyor 14
2421–34–35–37 and 2440, contract of marriage 40
2682, killing of sheep and hogs 41
5226, title 4, chapter 4, eminent domain 12
6079, mode of taking testimony 1
7185–86–87–93–94 and 97, title 14, chapter 1, game and fish 41
article 8, chapter 2, highways 33
APPORTIONMENT—
readjusting and apportioning the members of the Legislative Assembly. 32
amendatory of the act adjusting the 37
ASSESSORS—
bonds of 16
ANIMALS—
to suppress contagious diseases among 43
ASSESSOR—
duties of, of Nez Perce county 2

B

BINGHAM COUNTY—
appropriating funds for correcting records of 4

C

PAGE.

CAPITOL BUILDING—
water supply for 10
CUSTER COUNTY—
to amend Sec. 1 of "An act to create and organize," approved January 8, 1881 22
to repeal Sec. 571, Special Laws, relating to 3
COUNTY COMMISSIONERS—
relating to clerk of 11
relating to 59
COUNTY OFFICERS—
appointment of deputies by 9
CASSIA COUNTY—
fees of surveyor of 14
CAMPBELL, J. P.—
relief of 21
CITIES AND TOWNS—
incorporated, authorized to purchase lands for cemetery purposes 12
CIGARETTES—
prohibiting sale of to minors 49
CAPITOL GROUNDS—
inclosure and improvement of 57
COUNTY SEAT—
to provide for re-location of, of Washington county 56

E

EARLY, JOHN—
relief of 57
EMINENT DOMAIN—
relating to 12

F

FISH—
to protect 41
FENCES—
lawful 5

G

GAME—
to protect 41
GIRARD, A. C.—
relief of 57
GENERAL SCHOOL FUND—
invest money in 55

H

HOGS—
trespassing of 38
killing of 41
HIGHWAYS—
obstructions and injuries to 33

PAGE.

HAILEY, JR., JOHN—
relief of 21
HATCHERY—
to authorize State of Oregon to erect in Idaho 50
HARRIS, JAMES M.—
relief of 60

I

IMPROVEMENTS—
of capitol grounds 57
IDAHO COUNTY—
defining boundary line of 50
IDAHO INSANE ASYLUM—
appropriating funds for improvements 51
IDAHO MINERAL EXHIBITS—
to dispose of 6
INSURANCE COMPANIES—
assessment 7
IDAHO COUNTY—
to provide a wagon road from Mt. Idaho into the Little Salmon Meadows 26

L

LIENS—
of laborers 1
LATAH COUNTY—
to annex a portion of Nez Perce to for school purposes 52
LARIMER, ROB'T—
relief of, and others 6

M

MEDICINE—
practice of 38
MARRIAGE—
contract of 40
MINORS—
prohibiting sale of cigarettes to 49
McMAHON, MRS. M.—
relief of 53
MEMORIALS, COUNCIL—
No. 1, praying for settlement of Indian war claims of 1877, '78 and '79. 65
No. 2, relative to amending alien act so as to except mines from its provisions 66
No. 3, relating to the granting of certain lands to Bingham County Agricultural Association 68
No. 4, relative to Mormon Church 68
No. 5, relative to irrigation of public lands 70
relating to the Nez Perce Indian Reservation 70
MEMORIALS, HOUSE—
No. 1, against the admission of Utah as a State 73
No. 2, praying for the passage of the "Outhwaite Bill" 74
No. 3, praying for the enlargement of the Yellowstone Park 75
No. 4, praying for an act bonding Boise City for $150,000 75
No. 7, relating to the Cœur d'Alene Indian Reservation 76

N

PAGE.

NEZ PERCE COUNTY—
salary of assessor of 2
to annex a portion of to Latah county for school purposes 52
salary of treasurer of 2

O

OATH—
of intention 14
OREGON—
to authorize State of, to erect hatchery in Idaho Territory 50

P

POISONS—
sale of 9
PINKHAM, E.—
relief of 57
POLL TAXES—
time when delinquent 3
PRISON COMMISSION—
creating 16
PROPERTY—
to protect telegraph and telephone 54

R

RECORDS—
correcting Bingham county 4
RELIEF—
of J. P. Campbell 21
of John Hailey, Jr 21
of John Early 57
of A. C. Girard 57
of E. Pinkham 57
of Mrs. M. McMahon 53
REPORTS—
printing of Territorial 54
REPORTER, COURT STENOGRAPHIC—
appointment of 25
RELIEF—
of Rob't Larimer and others 6
RESOLUTIONS, COUNCIL—
No. 1, postage stamps for members of Legislature 59
No. 2, for relief of James M. Harris 60
No. 4, appropriating money to pay expenses of committee on institutions 60
No. 5, relative to printing governor's annual report 61
No. 6, relative to printing Territorial school superintendent's report 62
No. 7, pay of private secretary to governor 62
No. 8, providing telephones for capitol building 62
No. 9, to pay for governor's election proclamation 63

PAGE.

COUNCIL SUBSTITUTE FOR H. C. R.
No. 1, relating to telephones..... 65
C. C. R. No. 1, relating to appointment of committee on capitol building and grounds..... 65
RESOLUTIONS, HOUSE—
No. 3, to pay for engineer of capitol building..... 61
No. 6, in regard to postage for transmitting laws to members of Legislature..... 63
No. 7, to pay for stenographer to committee on privileges and elections. 64
No. 8, to pay Chas. H. Reed, clerk of finance committee..... 64
H. C. R. No. 2, relating to adjournment of Legislature..... 72
H. C. R. No. 3, investigation of affairs in controller's office..... 72
H. C. R. No. 4, relative to furnishing members of Legislature with copies of R. S..... 72

S

SURVEYOR—
fees of in Cassia county..... 14
SHEEP—
killing of..... 41
SPECIAL LAWS—
repeal of Sec. 571, relating to Custer county..... 3
SCHOOL FUND, GENERAL—
to invest money in..... 55
STALLIONS—
offered for service..... 24
STENOGRAPHIC COURT REPORTER—
appointment of..... 25
SUPERINTENDENT COUNTY SCHOOLS—
persons elected to office of..... 11

T

TAX DEEDS—
relating to..... 37
TESTIMONY—
mode of taking..... 1
TREASURER—
Nez Perce county..... 2
TERRITORIAL OFFICERS—
printing reports of..... 54
TELEGRAPH AND TELEPHONE COMPANIES—
to protect the property of..... 54

U

UNIVERSITY OF IDAHO—
establishing the..... 17

W

WEAPONS—
carrying of deadly..... 23
WAGON ROAD—
to provide between Mt. Idaho and Little Salmon Meadows..... 26
WASHINGTON COUNTY—
to provide for re-location of county seat of..... 56

Stanford Law Library
3 6105 063 531 607